



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 10]

नई दिल्ली, शनिवार, मार्च 11, 1989/फाल्गुन 20, 1910

No. 10]

NEW DELHI, SATURDAY, MARCH 11, 1989/PHALGUNA 20, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि एवं न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 24 जनवरी, 1989

सूचनाएं

का.प्रा. 445.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एच.डी.गेरा,
प्रधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन
एक आवेदन इस बात के लिए दिया है कि उसे राजेन्द्र नगर तथा
भारत स्मर पर व्यवसाय करने के लिए नोटरी के रूप में नियुक्त
किया जाए।

2. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आक्षेप हम सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप
में मेरे पास भेजा जाए।

[सं. 5(4)/89-न्या.]

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 24th January, 1989

NOTICES

S.O. 445.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under

rule 4 of the said Rules, by Shri H. D. Gera, Advocate for appointment as a Notary to practise in Rajender Nagar, and other area of New Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(4)/89-Judl.]

का.प्रा. 446.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजेन्द्र कुमार
खन्ना, प्रधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के
अधीन एक आवेदन इस बात के लिए दिया है कि उन्हें समस्त भारत में
व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आक्षेप हम सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप
में मेरे पास भेजा जाए।

[सं. 5(9)89-न्या.]

दत्त सिंह, सक्षम प्राधिकारी

S.O. 446.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Rajendra Kumar Khanna, Advocate for appointment as a Notary to practise in

2. Any objection to the appointment of the said person

as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(9)/89-Jud1.]

K. D. SINGH, Competent Authority

विन मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 22 दिसम्बर, 1988

आय-कर

का. प्रा. 447.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुमरण में, और भारत सरकार, राजस्व विभाग की दिनांक 27-1-1987 की अधिसूचना सं. 7109 [फा. सं. 398/27/86-आ.क. (ब.)] का अधिनियम/अधिक संशोधन करने हुए, केन्द्रीय सरकार, एतद्वारा श्री आर. डी. यादव जो भारत सरकार के एक राजपत्रित अधिकारी हैं, को उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।

2. यह अधिसूचना श्री आर. डी. यादव द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण कर लेने की तारीख से प्रभावी होगी।

[सं. 8149/फा. सं. 398/15/88-आ.क. (ब.)]

बी. ई. अलेक्जेंडर, प्रवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 22nd December, 1988

INCOME-TAX

S.O. 447.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession/partial modification of Notification of the Government of India in the Department of Revenue No. 7109 [F. No. 398/27/86-IT(B)] dated the 27-1-87, the Central Government hereby authorises Shri R. D. Yadav, being a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri R. D. Yadav takes over charge as Tax Recovery Officer.

[No. 8148/F. No. 398/15/88-IT(B)]
B. E. ALEXANDER, Under Secy.

नई दिल्ली, 6 जनवरी, 1989

(आय-कर)

का. प्रा. 448.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10क की व्याख्या के खण्ड () द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारत सरकार, विन मंत्रालय (राजस्व विभाग) की दिनांक 29 दिसम्बर, 1987 की अधिसूचना संख्या सा. प्रा. 3231 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, पहले पैराग्राफ में “1 अप्रैल, 1988 को प्रथम उसके बाद आरम्भ होने वाले कर-निर्धारण वर्षों के लिए” शब्दों को निकाल दिया जाए।

[सं. 8157/फा. सं. 178/230/87-आ.क. (नि.-1)]

आनन्द किशोर, प्रवर सचिव।

INCOME-TAX

New Delhi, the 6th January, 1989

S.O. 448.—In exercise of the powers conferred by clause (i) of the Explanation to section 10-A of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the

Government of India in the Ministry of Finance (Department of Revenue) No. S.O. 3231 dated the 29th September, 1987, namely:—

In the said notification, in the opening paragraph, the words “for the assessment years commencing on or after the 1st day of April, 1988” shall be omitted.

[No. 8157/F. No. 178/230/87-IT (A1)]

ANAND KISHORE, Under Secy.

नई दिल्ली, 1 फरवरी, 1989

मुख्यालय स्थापना

का. प्रा. 449.—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 की सं. 54) के खण्ड 3 के उपखण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय राजस्व सेवा (सीमा शुल्क तथा केन्द्रीय उत्पादन शुल्क के एक अधिकारी श्री के. एन. रेखी की जा इससे पूर्व सीमा शुल्क व उत्पादन शुल्क और स्वर्ण (नियंत्रण) अधिनियम अधिकरण, नई दिल्ली में स्वयं के रूप में तैनात थे 1 फरवरी, 1989 के पूर्वान्त से प्रगल्भा आदेश होने तक केन्द्रीय उत्पादन शुल्क तथा सीमा शुल्क बोर्ड के सदस्य के रूप में नियुक्त करते हैं।

[फा. सं. ए-19011/2/89-प्रशा. 1]

एन. शम, प्रवर सचिव

New Delhi, the 1st February, 1989

HEADQUARTERS ESTABLISHMENT

S.O. 449.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Boards of Revenue Act, 1963 (54 of 1963), the Central Government hereby appoint Shri K. N. Rekhi, an Officer of the Indian Revenue Service (Customs and Central Excise), and formerly posted as Member, C.F.G.A.T., New Delhi, as Member of the Central Board of Excise and Customs with effect from the forenoon of the 1st February, 1989 and until further orders.

[F. No. A-19011/2/89-AJ. 1]

N. DAS, Under Secy.

आर्थिक कार्य विभाग

नई दिल्ली, 24 जनवरी, 1989

का. प्रा. 450.—केन्द्रीय सरकार, विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 4 की उपधारा (3) के साथ पठित धारा 50 के अनुमरण में और भारत सरकार के कार्मिक और प्रशासनिक सुधार विभाग की दिनांक 29-3-1976 की अधिसूचना संख्या सं. प्रा. 1203 का अतिरिक्त करते हुए एतद्वारा प्रत्येक प्रवर्तन सहायक निदेशक को उक्त अधिनियम के उपबन्धों [धारा 13, धारा 18 की उपधारा (1) के खंड (क) और धारा 19 की उपधारा (1) के खंड (क) के अन्तर्गत] अधिकांश उनके तख्तीन बनाए गए किसी नियम, निदेश या आदेश के उल्लंघन के ऐसे मामलों में जिनमें एक लाख रुपये से अधिक राशि प्रथम मुख्य अन्तर्ग्रस्त हो, अधिनियम के अधिकार प्रदान करती है।

[फा. सं. 174/14/88-टी. सी. (ई-1)]

(Department of Economic Affairs)

New Delhi, the 24th January, 1989

S.O. 450.—In pursuance of section 50, read with sub-section (3) of section 4, of the Foreign Exchange Regulation Act, 1973 (46 of 1973) and in supersession of notification of the Government of India in the Department of Personnel and Administrative Reforms No. S.O. 1203, dated the 29th March, 1976, the Central Government hereby em-

powers every Assistant Director of Enforcement to adjudicate cases of contravention of any of the provisions of the said Act [other than section 13 clause (a) of sub-section (1) of section 18 and clause (a) of sub-section (1) of section 19 or of any rule, direction or order made thereunder, involving an amount or a value not exceeding one lakh rupees.

[F. No. 174/14/88-TC(E)-I]

का.प्र. 451.—केन्द्रीय सरकार, विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 4 की उपधारा (3) के साथ पठित धारा 50 के अनुसरण में और भारत सरकार के कामिक और प्रशासनिक सुधार विभाग की दिनांक 29-3-1976 की अधिसूचना संख्या सं. प्रा. 1202 का अतिरिक्त करने हुए एतद्वारा प्रत्येक प्रवर्तन उप निदेशक को उक्त अधिनियम के उपबन्धों [धारा 13, धारा 18 की उपधारा (1) के खंड (क) और धारा 19 की उपधारा (1) के खंड (क) के अलावा] अथवा उसके तहत बनाए गए किसी नियम, निर्देश या आदेश के उल्लंघन के ऐसे मामलों में, जिनमें ताब लाब हुए से अधिक राशि अथवा मूल्य, अन्तर्गत न हो, अधिनियम के अधिकार प्रदान करती है।

[फा.सं. 174/14/88-टी.सी.(ई-11)]

S.O. 451.—In pursuance of section 50, read with sub-section (3) of section 4, of the Foreign Exchange Regulation Act, 1973 (46 of 1973) and in supersession of notification of the Government of India in the Department of Personnel and Administrative Reforms No. S.O. 1202, dated the 29th March, 1976, the Central Government hereby empowers every Deputy Director of Enforcement to adjudicate cases of contravention of any of the provisions of the said Act (other than section 13, clause (a) of sub-section (1) of section 18 and clause (a) of sub-section (1) of section 19) or of any rule, direction or order made thereunder, involving an amount or a value not exceeding five lakh rupees.

F. No. 174/14/88-TC (E-II)

का.प्र. 452.—केन्द्रीय सरकार, विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 4 की उपधारा (3) के साथ पठित धारा 50 के अनुसरण में और भारत सरकार के कामिक और प्रशासनिक सुधार विभाग की दिनांक 29-3-1976 की अधिसूचना संख्या सं. प्रा. 1201 का अतिरिक्त करने हुए एतद्वारा प्रत्येक प्रवर्तन उप निदेशक को उक्त अधिनियम के उपबन्धों [धारा 13, धारा 18 की उपधारा (1) के खंड (क) और धारा 19 की उपधारा (1) के खंड (क) के अलावा अथवा उसके तहत बनाए गए किसी नियम, निर्देश या आदेश के उल्लंघन के ऐसे मामलों में, जिनमें दस लाख रुपए से अधिक राशि अथवा मूल्य अन्तर्गत न हो, अधिनियम के अधिकार प्रदान करती है।

[फा.सं. 174/14/88-टी.सी.(ई-III)]

के.जी. गोयल, निदेशक

S.O. 452.—In pursuance of section 50, read with sub-section (3) of section 4, of the Foreign Exchange Regulation Act, 1973 (46 of 1973) and in supersession of notification of the Government of India in the Department of Personnel and Administrative Reforms No. S.O. 1201, dated the 29th March, 1976, the Central Government hereby empowers every Additional Director of Enforcement to adjudicate cases of contravention of any of the provisions of the said Act [other than section 13, clause (a) of sub-section (1) of section 18 and clause (a) of sub-section (1) of section 19] or of any rule, direction or order made thereunder, involving an amount or a value not exceeding ten lakh rupees.

[F. No. 174/14/88-TC (E-III)]

K. G. GOEL, Director

(बैंकिंग प्रभाग)

नई दिल्ली, 23 जनवरी, 1989

का.प्र. 453.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवर्तन शक्तियों का प्रयोग करते केन्द्रीय सरकार, भारतीय रिज़र्व बैंक की निकयश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (1) तथा (2) के उपबन्ध पंजाब की-

प्रापरेटिव बैंक लि., दिल्ली पर 11 नवम्बर, 1988 से 10 फरवरी, 1989 तक तान महीने की अवधि के बास्ते अथवा बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।

[सं. 15/4/88-बीओ-III(i)]

(Banking Division)

New Delhi, the 23rd January, 1989

S.O. 453.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) and (2) of section 10-B of the said Act shall not apply to the Punjab Co-op. Bank Ltd., Delhi for a period of three months from 11 November 1988 to 10 February 1989 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.

[No. 15/4/88-B.O. III (i)]

का.प्र. 454.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिज़र्व बैंक की निकयश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (9) के उपबन्ध पंजाब की प्रापरेटिव बैंक लि. दिल्ली पर 11 नवम्बर, 1988 से 10 फरवरी, 1989 तक अथवा बैंक के नियमित अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, उस सीमा तक लागू होंगे जहाँ तक बैंक की 3 महीने से अधिक के बास्ते अध्यक्ष एवं मुख्य कार्यपालक अधिकारी का कार्य करने के लिए किसी व्यक्ति की नियुक्ति करने की छूट प्राप्त है।

[संख्या 15/4/88 - बी ओ- III(ii)]

प्राण नाथ, प्रवर सचिव

S.O. 454.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10-B of the said Act shall not to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding three months, apply to the Punjab Co-operative Bank Ltd., Delhi from 11 November 1988 to 10 February, 1989 or till the appointment of a regular Chairman for that bank, whichever is earlier.

[No. 15/4/88-B.O. III (ii)]

PRAN NATH, Under Secy.

नई दिल्ली, 13 फरवरी, 1989

का.प्र. 455.—रूपण औद्योगिक कंपनियां (विशेष उपबन्ध) अधिनियम, 1985 (1986 का 1) की धारा 6 की उपधारा (2) के साथ पठित धारा 4 की उपधारा (2) द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री आत्माराम तुकाराम उर्फ भाई भोसले, "गोदावरी" 10/1001, बर्ली सागर की प्रापरेटिव, हाउसिंग सोसाइटी, पोचखान-यात्री रोड बंबई-400025 को औद्योगिक तथा वित्तीय पुनर्निर्माण बोर्ड के सदस्य के रूप में उनके कार्यभार ग्रहण करने की तारीख से तथा 14 अक्टूबर, 1992 को समाप्त होने वाली अवधि के लिए, नियुक्त करती है।

[सं. 7/2/89 - बी. ओ. I]

New Delhi, the 13th February, 1989

S.O. 455.—In exercise of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), the Central Government hereby appoints Shri Atmaram Tukaram alias Bhai Bhosale, "Godavari" 10/

1001 Worli-Sagar Co-operative Housing Society, Pochkhanwala Road, Worli, Bombay-400025 as a Member of the Board for Industrial and Financial Reconstruction for a period commencing with the date of his taking charge and ending with 14th October, 1992.

[No. F. 7/2/89-BO. I]

का. आ. 456.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना 1970 की धारा 3 की उपधारा (छ) के अनुसरण में केन्द्रीय सरकार श्री डी. एन. समर्थ, संयुक्त मुख्य अधिकारी, बैंकिंग परिवर्तन और विकास विभाग, भारतीय रिजर्व बैंक, बंबई-400005 को श्री एन. डी. परमेश्वरन के स्थान पर एतद्वारा युनाइटेड बैंक आफ इंडिया के निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 9/12/89-डी. ओ.-1]

एम. एस. सीथारामन, अवसर सचिव

S.O. 456.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri D. N. Samarth, Joint Chief Officer, DBOD, Reserve Bank of India, Bombay-400005 as a Director of United Bank of India vice Shri N. D. Parameswaran.

[No. F. 9/12/89-BO. I]

M. S. SEETHARAMAN, Under Secy.

समाहृतलिय केन्द्रीय उत्पाद शुल्क

इंदौर, 13 जनवरी, 1989

अधिसूचना सं० 10/1989

का. आ. 457.—समाहृतलिय केन्द्रीय उत्पाद शुल्क, इन्दौर के श्री पी. जी. पदमने, अधीक्षक समूह 'ब' स्वेच्छा से शासकीय सेवा से सेवानिवृत्त दिनांक 30-11-88 को अपराह्ण में हो गए।

[प. सं. II (3) 12 - गोप/87/191]

बा. क. अग्रवाल, समाहृत

CENTRAL EXCISE COLLECTORATE

Indore, the 13th January, 1989

NOTIFICATION NO. 10/1989

S.O. 457.—Shri P. G. Padamane, Superintendent, Central Excise Group 'B' of Indore Collectorate voluntary retired from Government service on 30-11-1988 (A/N). Indore,

[C. No. II (3) 12-Con/87/191]

B. K. AGARWAL, Collector

वाणिज्य मंत्रालय

नई दिल्ली, 11 मार्च, 1989

का. आ. 458.—केन्द्रीय सरकार ने निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वैक्यूम फ्लास्क के संबंध में भारतीय मानक प्रमाणन चिह्न ब्यूरो को मान्यता देने के प्रस्ताव को निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1964 के नियम 11 के उन नियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 2826 तारीख: 24 सितंबर, 1988 के अंतर्गत भारत के राजपत्र, भाग-II, खंड-3, उपखंड-(ii) तारीख: 24 सितंबर, 1988 में प्रकाशित किया गया था।

और ऐसे सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना थी उक्त आदेश के राजपत्र में प्रकाशन से 45 दिन के भीतर आक्षेप और मुद्दाब मानी गए थे,

और उक्त राजपत्र की प्रतियां जनता को 28 सितंबर, 1988 को उपलब्ध करा दी गई थी;

उक्त प्रस्ताव पर जनता से कोई भी आक्षेप तथा मुद्दाब प्राप्त नहीं हुए हैं;

अतः, अब, निर्यात, (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, वैक्यूम फ्लास्क के संबंध में भारतीय मानक प्रमाणन चिह्न ब्यूरो को यह शक्ति देने के प्रस्ताव के लिए मान्यता देती है कि जहां वैक्यूम फ्लास्क पर ऐसा X चिह्न लगा हो। उन्हें उक्त अधिनियम की धारा 6 के स्वयं (ग) के अंतर्गत उन पर लागू मानक विनिर्देशों के अनुरूप समझा जाएगा।

स्पष्टीकरण: इस आदेश में 'वैक्यूम फ्लास्क' से अभिप्रेत है,

(i) कोई भी संयुक्त पात्र जिसमें बाहरी सुरक्षात्मक का है और जिस पर संवरण की व्यवस्था है और उस में जान के लिए उपयुक्त माध्यम है बाहरी केश में बांधे केश का दोसरो अंत डाट सहित पात्र (जिसे रिफिल कहा जाता है) रखा जाएगा जिसकी बाह्य रजतित होंगी और उक्त बीर के स्थान को निर्यात रखा जाएगा जिसने कि उनमें रखे गए पदार्थों से कम गर्मी बाहर जा सके या बाहर से गर्म हो सके।

(ii) उक्त वैक्यूम फ्लास्क के लिए निर्मित रिफिल है।

[फाइल सं. 6(14)/88-ई आई एंड ई पी]

पाद टिप्पण :

का.आ. 4258

तारीख : 14 सितंबर, 1985

MINISTRY OF COMMERCE

New Delhi, the 11th March, 1989

S.O. 458.—Whereas the Central Government, in exercise of powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) published a proposal to recognise the Bureau of Indian Standards Certificate Mark in relation to Vacuum Flasks as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 24th September, 1988 under the notification of the Government of India in the Ministry of Commerce No. S.O. 2826 dated the 24th September, 1988;

And, whereas, the objections and suggestions were invited from all persons likely to be affected thereby within 45 days of the publication of the said notification in the official Gazette;

And, whereas the copies of the said Gazette were made available to the public on the 28th September, 1988;

And, whereas, no objections and suggestions have been received from the public in the said proposal;

Now, therefore, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the Bureau of Indian Standards certification Marks with respect to Vacuum Flasks for the purpose of denoting that where Vacuum Flasks are affixed with such mark they shall be deemed to be in conformity with the standards specifications applicable thereto under clause (c) of section 6 of the said Act.

EXPLANATION :—In this Order, 'Vacuum Flask' means;

(i) any composite container consisting of an outer protective case provided with a closure and suitable means for its carrying. The outer case shall house a stoppered double walled glass container (called the refill) with the walls silvered and the space in between maintained under vacuum to reduce to a minimum the transfer of heat to and from the contents placed in it, and

(ii) refills meant for the said vacuum Flasks.

[F. No. 6(14)/88-FI&EP]

Foot Note :—S.O. 4258 dated 14-9-1985.

आदेश

का० आ० 459—भारत के निर्यात व्यापार के विकास के लिए वैक्यूम फ्लास्क से संबंधित भारत सरकार के वाणिज्य मंत्रालय की अधि-सूचना सं० का० आ० 4258 तारीख: 14 सितम्बर, 1985 का संशोधन करने के लिए कृतिपत्र प्रस्थापनाएं निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप नियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. आ. 2827 तारीख: 24 सितम्बर, 1988 के रूप में भारत के राजपत्र, भाग-2, खंड-3, डा खंड-(ii) तारीख: 24 सितम्बर, 1988 में प्रकाशित किए गए थे; और ऐसे सभी व्यक्तियों से जिनके उद्योग प्रभावित होने की संभावना थी उक्त अधिसूचना के राजपत्र में प्रकाशित होने के 45 दिनों के भीतर आक्षेप और सुझाव मांगे गए थे;

और उक्त राजपत्र की प्रतियां जनता को 28 सितम्बर, 1988 को उपलब्ध करा दी गई थी:

और उक्त प्रस्थापना के संबंध में जनता से कोई आक्षेप और सुझाव प्राप्त नहीं हुए हैं:

अतः अब केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात्, भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. आ. 4258 तारीख: 14 सितम्बर, 1985 का निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त आदेश में, पैरा 1 के स्तम्भ (iv) में, “निर्यात योग्य है” शब्दों के स्थान पर “निर्यात योग्य है या उस पर उक्त अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त सुझा या चिह्न लगाया गया है” शब्द रखे जाएंगे।

[फाइल सं. 6(14)/88-ई आई एंड ई पी]

पाठ दिव्यणी :—

का. आ. 4258

तारीख: 14 सितम्बर, 1985

ORDER

S.O. 459.—Whereas for the development of the export trade of India certain proposals for amending the notification of the Government of India in the Ministry of Commerce No. S.O. 4258 dated the 14th Sep. 1985 regarding Vacuum Flasks were published as required by Sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II Section 3, Sub-section (ii), dated the 24th September, 1988 under the Order of the Government of India in the Ministry of Commerce No. S.O. 2827 dated the 24th September, 1988;

And whereas the objections and suggestions were invited from all the persons likely to be affected thereby within 45 days of the publication of the said order in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 28th September 1988;

And whereas no objections or suggestions have been received from the public in the said draft proposal;

Now, therefore in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consultation with the Export Inspection Council, hereby makes the following amendment in the order of the Government of India in the Ministry of Commerce No. S.O. 4258 dated the 14th September 1985, namely :—

In the said Order, in Paragraph 1 in clause (iv), for the word “Exportworthy”, the words “Exportworthy or is affixed

with a seal or mark recognised by the Central Government under Section 8 of the said Act” shall be substituted.

[F. No. 6(14)/88-EI&EP]

Foot Note : S.O. 4258

Dated 14th September, 1985.

का. आ. 460.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमसे पेस्ट कंट्रोल केमिकल्स, कमर्शियल रोड, काकीनाडा-533 007 को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा, सींग तथा खुरों का काकीनाडा में निर्यात से पूर्व धुँसोकरण के लिए एन अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देता है कि उक्त अधिपत्रण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उप नियम (4) तथा का चूरा, सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अंतर्गत धुँसोकरण का प्रमाण-पत्र देने के लिए उक्त अधिपत्रण द्वारा प्रभावित गई पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिषद द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5(8)/88-ई आई एंड ई पी.]

ए. के. चौधुरी, निदेशक

S.O. 460.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year from the date of publication of this notification M/s. Pest Control Chemicals, Commercial Road, Kakinada-533007 as an agency for the fumigation of (i) Deoiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export at Kakinada subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rule, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rule, 1977.

[File No. 5(8)/88-EI&EP]

A. K. CHAUDHURI, Director.

मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

नई दिल्ली, 13 फरवरी, 1989

आदेश

का. आ. 461.—मै. यश इंजीनियरिंग वर्क्स, 7 श्री जोगमाया इस्टेट ममीप बैभव नगर, नेशनल हाइवे सं. 8, अमरावती, महाराष्ट्र-380026 को जी. सी. ए. के अंतर्गत संलग्न सूची के अनुसार 1,44,000 की संख्या में बाल बिजली का आयात करने के लिए रु. 7,45,180/- (सात लाख पैनालीस हजार एक सौ अस्सी रुपये मात्र) का एक आयात लाइसेंस पी/एस/2017887, दिनांक 30-9-88 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की विनियम नियंत्रण प्रयोजन प्रति की अनुमिति प्रति जारी करने के लिए इस आधार पर अनुरोध किया है कि मूल विनियम नियंत्रण प्रयोजन प्रति उनसे गुम हो गई है या किसी स्थान पर रख कर भूली गई है। उन्होंने आगे यह भी कहा है कि उपर्युक्त लाइसेंस की विनियम नियंत्रण प्रयोजन प्रति किसी भी भारतीय बैंक में पंजीकृत नहीं कराई गई है और उक्त लाइसेंस का बिल्कुल भी उपयोग नहीं किया गया है।

अपने इस तर्क के अनुसमर्थन में उन्होंने स्टाम्प पेपर पर नोटरी पब्लिक, अहमदाबाद के ममदा विधिवत गणप लेकर एक हस्ताक्षर भी प्रस्तुत किया है। तदनुसार, मैं संतुष्ट हूँ कि लाइसेंस सं. पी/एस/2017887

बिनांक 30-9-88 की मूल विनियम नियंत्रण प्रयोजन प्रतिफल में गुम हो गई है या कहीं रख कर भूल जा चुको है। 7-12-1955 के यथा-संशोधित आयात (नियंत्रण) अधिनियम, 1955 की उपधारा 9 (सीसी) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं यश इंजीनियरिंग वर्क्स, अमरावतीवाड़ी, अहमदाबाद को जारी की गई 30-9-1988 की उक्त मूल विनियम नियंत्रण प्रयोजन प्रति सं. पी/एस/2017887 को एतद्वारा रद्द किया जाता है।

उक्त लाइसेंस की विनियम नियंत्रण प्रयोजन प्रति, की अनुलिपि प्रति फर्म को भ्रम से जारी की जा रही है।

[अनुपुरक/एन.एस.-7/531/एसएसआई/ए.एस., 89/एस.एन.एस/1814]
से. कुजूर, उप मुख्य नियंत्रक

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

New Delhi, the 13th February, 1989

ORDER

S.O. 461.—M/s. Yash Engineering Works, 7-Shree Jogmaya Estate Near Vaibhavnagar, National highway No. 8, Amraiwadi, Ahmedabad-380026 were granted an import Licence No. P/S/2017887 dated 30-9-88 for Rs. 7.45,180 (Rupees seven Lakhs forty five thousand one hundred and eighty only) for import of 1,44,000 Pieces of Ball Bearings as per list attached under GCA.

The firm has applied for issue of Duplicate Exchange Control Purposes copy of the above mentioned licence on the ground that the original Exchange Control Purposes Copy of the licence has been lost or misplaced. It has further been stated that the Exchange Control Purposes Copy of the above licence has not been registered with any Bank of India, and the said licence has not been utilised at all.

In support of their contention, the licences has filed an affidavit on Stamped paper duly sworn in before a Notary Public, Ahmedabad. I am accordingly satisfied that the original Exchange Control Purposes Copy of Import Licence No. P/S/2017887 dated 30-9-88 has been lost/misplaced by the firm. In exercise of the powers conferred under Sub-clause (Xcc) of the Import (Control) Order 1955 dated 7-12-55 as amended, the said Original Exchange Control Purposes Copy No. PS/2017887 dated 30-9-88 issued to M/s. Yash Engineering Works, Amraiwadi, Ahmedabad is hereby Cancelled.

A duplicate Exchange Control Purposes Copy of the said licence is being issued to the party separately.

[Suppl/NS-7/531/SSI/AM'89/SLS/1814]
S. KUJUR, Dy. Chief Controller.

योजना मंत्रालय

(सांख्यिकी विभाग)

नई दिल्ली, 20 जनवरी, 1989

का. प्रा. 462.—इन विभाग की दिनांक 6 सितम्बर, 1988 की समसंख्यक अधिसूचना का आंशिक संशोधन करते हुए, भारतीय सांख्यिकीय संस्थान अधिनियम, 1959 के खंड 8(1) के अंतर्गत वर्ष 1989-90 के लिए स्थापित समिति की अधि सरकार को अपनी रिपोर्ट प्रस्तुत करने के लिए 31 मार्च, 1989 तक बढ़ाई गई है।

[संख्याएं एम - 12011/1/86 - समन्वय]

नवल किशोर, उप सचिव

MINISTRY OF PLANNING

(Department of Statistics)

New Delhi, the 20th January, 1989

S.O. 462.—In partial modification of this Department's Notification of even number dated the 6th September, 1988,

the Committee set up under Section 8(1) of the Indian Statistical Institute Act, 1959 for the year 1989-90 has been given extension of time up to 31st March, 1989 for submitting its report to the Government.

[No. M-12011/1/86-Coord.]
NAWAL KISHORE, Dy. Secy.

पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 8 फरवरी, 1989

का. प्रा. 463.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि असम राज्य में डी/एम नं. डी जी-1 से डी/एम-2 तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बर्तने कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष उपायुक्त शिवसागर/असम के कार्यालय में इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिवृष्टतः यह भी कहना करेगा कि क्या वह यह साहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

आर. ओ. दूक वेल् नं. दि. जी. - 1 सं.

दिग्गम - 2 तक

राज्य - असम जिला - शिवसागर तालुका - बेतबानी।

ग्राम	सर्वे संख्या	हेक्टेयर	गैर	मेन्टीयर
1	2	3	4	5
कटकी कूल्छ	1018/ख	0	8	16
	1015/ख	0	5	35
	1012/ख	0	6	82
	1007/ख	0	2	94
	1002/ख	0	1	74
	1003/ख	0	1	74
	925/ख	0	1	20
	924/ख	0	5	22
	923/ख	0	3	21
	921/ख	0	3	48
	695/ख	0	0	40
	699/ख	0	1	61
	700/ख	0	2	14
	701/ख	0	2	81
	702/ख	0	2	41
	704/ख	0	7	36
	706/ख	0	3	61
	707/ख	0	1	74
	708/ख	0	1	34

1	2	3	4	5
	709/ख	0	1	74
	645/ख	0	1	34
	713/ख	0	2	41
	643/ख	0	1	61
	717/ख	0	2	27
	718/ख	0	2	41
	719/ख	0	1	74
	722/ख	0	4	55
	909/ख	0	2	41
	726/ख	0	2	01
	730/ख	0	0	80
	727/ख	0	0	94
	728/ख	0	1	47
	729/ख	0	1	61
	735/ख	0	4	01
	736/ख	0	2	41
	737/ख	0	3	34
	740/ख	0	0	40
	741/ख	0	7	22
	742/ख	0	7	36
	744/ख	0	4	01
	747/ख	0	2	41

[सं. ओ-11027/8/87]

के. विवेकानन्द, डैप्टा अधिकारी

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 8th February, 1989

S.O. 463.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from D/s. DG-1 to Demual-2 in Sibsagar Dist., Assam Pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, viz. the Deputy Commissioner, Sibsagar, Assam.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

R.O.U. FROM DG-I WELL TO DEMOUL-2

State : Assam	Dist : Sibsagar	Taluk : Bethari			
Village	Survey No.	Hectare	Are	Centiare	
1	2	3	4	5	
Kataki Kosh.	1018/Kha	0	8	16	
	1015/Kha	0	5	35	
	1012/Kha	0	6	82	
	1007/Kha	0	2	94	
	1002/Kha	0	1	74	
	1003/Kha	0	1	74	
	925/Kha	0	1	20	
	924/Kha	0	5	22	
	923/Kha	0	3	21	

1	2	3	4	5
	921/Kha	0	3	48
	695/Kha	0	0	40
	699/Kha	0	1	61
	700/Kha	0	2	14
	701/Kha	0	2	81
	702/Kha	0	2	41
	704/Kha	0	7	36
	706/Kha	0	3	61
	707/Kha	0	1	74
	708/Kha	0	1	34
	709/Kha	0	1	74
	645/Kha	0	1	34
	713/Kha	0	2	41
	643/Kha	0	1	61
	717/Kha	0	2	27
	718/Kha	0	2	41
	719/Kha	0	1	74
	722/Kha	0	4	55
	909/Kha	0	2	41
	726/Kha	0	2	01
	730/Kha	0	0	80
	727/Kha	0	0	94
	728/Kha	0	1	47
	729/Kha	0	1	61
	735/Kha	0	4	01
	736/Kha	0	2	41
	737/Kha	0	3	34
	740/Kha	0	0	40
	741/Kha	0	7	22
	742/Kha	0	7	36
	744/Kha	0	4	01
	747/Kha	0	2	41

[No. O-11027/8/87]

K. VIVEKANAND, Desk Officer

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 फरवरी, 1989

का. घा. 464.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. घा. सं. 1559 तारीख 3-5-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय केन्द्र और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

करीब में नशायाम में कीयनी तक गार्ड लाइन बिलाने के लिए
राज्य - गुजरात जिला - खेडा तालुका - नदीयाद

गांव	ब्लॉक नं.	हेक्टेयर	आउट	सेन्टीगैर
1	2	3	4	5
अखडोल	138	0	16	50
	137	0	05	30
	225	0	04	40
	205	0	04	20
	206	0	08	30
	203	0	03	00
	201	0	07	00
	196	0	03	40
	200	0	08	50
	199	0	00	42
	318	0	00	35
	319	0	11	00
	317	0	00	60
	320	0	04	00
काटे ट्रेक		0	01	70
	337	0	11	2
	374	0	06	50
	375	0	03	80
	377	0	05	40
	392	0	05	10
	395	0	05	70
काटे ट्रेक		0	01	00
	461	0	18	50
	464	0	04	50
	465	0	08	00
	468	0	00	15
	469	0	04	80
	1194	0	02	40
	1193	0	05	50
	1192	0	05	50
	1174	0	02	20
	1175	0	03	10
	1176	0	00	10
	1170	0	08	10
	1169	0	00	45
	1071	0	14	00
	1077	0	03	90
	1067	0	04	10
	1068	0	02	60
	974	0	00	10
	975	0	05	20
	980	0	07	00
	983	0	03	40
	949	0	04	00
	948	0	00	70
	947	0	03	50
	874	0	05	00
	875	0	03	30
	848	0	04	90
	841	0	02	50
	843	0	03	90

1	2	3	4	5
	842	0	00	05
	804	0	00	50
	805	0	07	10
	765	0	09	50
	767	0	03	60
	768	0	00	90
	762	0	03	80
	711	0	06	90
	715	0	06	90
	716	0	02	00
	714	0	01	50
	673	0	08	60
	674	0	01	50
	675	0	05	50
	645	0	01	25
	646	0	15	20

[सं. ओ-11027/90/88 - ओ एन जी-डी III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th February, 1989

S.O. 464.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1559 dated 3-5-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the Schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM K.N.K. PHASE-II

State : Gujarat District : Kheda Taluka : Nadiyad

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Akhdol	138	0	16	50
	137	0	05	30
	225	0	04	40
	205	0	04	20
	206	0	08	30
	203	0	03	00
	201	0	07	00
	196	0	03	40
	200	0	08	50
	199	0	00	42

1	2	3	4	5
	318	0	00	35
	319	0	11	00
	317	0	00	60
	320	0	04	00
	Cart track	0	01	70
	337	0	11	20
	374	0	06	50
	375	0	03	80
	377	0	05	40
	392	0	05	10
	395	0	05	70
	Cart track	0	01	00
	461	0	18	50
	464	0	04	50
	465	0	08	00
	468	0	00	15
	469	0	04	80
	1194	0	02	40
	1193	0	05	50
	1192	0	05	50
	1174	0	02	20
	1175	0	03	10
	1176	0	00	10
	1170	0	08	10
	1169	0	00	45
	1071	0	14	00
	1077	0	03	90
	1067	0	04	10
	1068	0	02	60
	974	0	00	10
	975	0	05	20
	980	0	07	00
	983	0	03	40
	945	0	04	00
	948	0	00	70
	947	0	03	50
	874	0	05	00
	875	0	03	30
	848	0	04	90
	841	0	02	50
	843	0	03	90
	842	0	00	05
	804	0	00	50
	805	0	07	10
	765	0	09	50
	767	0	03	60
	768	0	00	90
	762	0	03	80
	711	0	06	90
	715	0	06	90
	716	0	02	00
	714	0	01	50
	673	0	08	60
	674	0	01	50
	675	0	05	50
	645	0	01	25
	646	0	15	20

[No. O-11027/90/88-ONG-D.-III]

का.प्र. 465.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय को अधिसूचना का.प्र. सं. 2839 तारीख 7-9-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में 466 GI/89—2.

विनिश्चित भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जन करने का अपना आग्रह घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्टें दे दी हैं।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिश्चित भूमियों में उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिश्चित उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उप-उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को यथायत्न तत् प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषित घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चाँदखेड़ा से गिलासूम हरडसट्री तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला व तालुका :	गांधीनगर
गांव	ब्लॉक नं.	स्ट्रेक्टर घाटे सेन्टीयर
अमोया पुर	कार्ट ट्रेक	0 00 80
	85	0 19 00
	87/2	0 16 40
	83	0 15 00
	89	0 02 70
	80/1	0 10 00
	80/2	0 10 50
	80/3	0 01 50
	99/1	0 17 00
	99/2	0 19 40
	100	0 02 40

[सं. प्रो.-11027/161/88-प्रोएनजी-डी-III]

S.O. 465.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2839 dated 7-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the Schedule appended to that for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM CHANDKHEDA TO RELIANCE IND.
State : Gujarat District & Taluka : Gandhinagar

Village	Block No.	Hectare	Acre	Centiare
Amiyapur	Cart track	0	00	80
	85	0	19	00
	87/2	0	16	40
	83	0	15	00
	89	0	02	70
	80/1	0	10	00
	80/2	0	10	50
	80/3	0	01	50
	99/1	0	17	00
	99/2	0	19	40
	100	0	02	40

[No. O-11027/161/88-ONGD.-III]

नई दिल्ली, 13 फरवरी, 1989

का.प्रा. 466.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन. के. एच. ई. से एन. के. एफ. भार. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण अधिनियम प्रभाग, मकरपुरा रोड, बडीदा-1 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एन. के. एच. ई. से एन. के. एफ. भार. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : व तालुका : मेहसाना

गांव	ब्लॉक नं.	हैक्टेयर	आरे.	सेन्टीयर
मेहमदपुरा	82	0	18	36
	43	0	12	48
	48	0	08	76
	47	0	00	72
	51	0	05	16
	52	0	02	28
	53	0	03	96
	54	0	03	12

[सं. प्रो.-11027/13/89-प्रो.एन.जी.-डो-III]

New Delhi, the 13th February, 1989

S.O. 466.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport

of Petroleum from NK-F1 to NKFR in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

PIPELINE FROM NKHE TO NK FR.

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hectare	Acre	Centiare
Memadpura	82	0	18	36
	43	0	12	48
	48	0	08	76
	47	0	00	72
	51	0	05	16
	52	0	02	28
	53	0	03	96
	54	0	03	12

[No. O-11027/13/89-ONG.D.III]

का.प्रा. सं. 467.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन. के. एच. ई. से एन. के. एफ. भार. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडीदा-1 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

पेट. के. एच. गै. स. एन. के. गै. यू. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : अहमदाबाद तालुका : विरमगाम

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेन्टीयर
बाल सप्तन	369/2	0	06	00
	367	0	13	44
	366/3	0	03	36

[सं. प्रो.-11027-12/89-प्रोएनजी डी-III]

S.O. 467.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from NKHE to NKFR in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road Vadodra this declaration in the Oil and Natural Gas Commission free (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

PIPELINE FROM NKHH TO NKAU.

State : Gujarat District : Ahmedabad Taluka : Viramgam

Village	Survey	No. Hectare	Acre	Centiare
Balsasan	369/2	0	06	00
	367	0	13	44
	366/3	0	03	36

[No. O-11027/12/89-ONG-D.III]

नई दिल्ली, 14 फरवरी, 1989

का.प्र. 468--यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. सं. 2831 तारीख 5-9-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जन करने का अपना आशय घोषित कर दिया था।

और यतः मन्त्र प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जन किया जाता है।

और आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चौदखेड़ा से रिलायन्स इन्डस्ट्रीज तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : गांधीनगर

गांव	ब्लॉक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
वलाद	120	0	01	40
	119/2	0	03	00
	119/2	0	01	40
काटे ट्रैक		0	00	80
	113	0	00	30
	124	0	42	40
	125	0	22	40
	109/2	0	27	40
	109/3	0	25	10
काटे ट्रैक		0	03	40
	135/1	0	12	80
	135/2	0	12	40
	138	0	20	40
	140	0	26	10
	141/2	0	12	80
	141/1	0	00	40
	143/2	0	00	88
	142	0	18	52
	148	0	19	80
	150	0	24	40
	152	0	12	20
	154	0	09	20
	157	0	13	50

[सं. प्रो.-11027/158/88-प्रोएनजी-डी. III]

के० विवेकानन्द, डेस्क अधिकारी

New Delhi, the 14th February, 1989

S.O. 468.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2831 dated 5-9-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the Schedule appended to that for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM CHANDKHEDA TO RELIANCE IND.

State : Gujarat District & Taluka : Gandhinagar

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Valad	120	0	01	40
	119/1	0	03	00
	119/2	0	31	40
	Cart track	0	00	80
	113	0	00	30
	124	0	42	40
	125	0	22	40
	109/2	0	27	40
	109/3	0	25	10
	Cart track	0	03	40
	135/1	0	12	80
	135/2	0	12	40
	138	0	20	40
	140	0	26	10
	141/2	0	12	80
	141/.	0	00	40
	143/2	0	00	88
	142	0	18	52
	148	0	19	80
	150	0	24	40
	152	0	12	20
	154	0	09	20
	157	0	13	50

[No. O-11027/158/88-ONG.D.-III]

K. VIVEKANAND, Desk Officer

ऊर्जा संचालन

(कोयला विभाग)

नई दिल्ली, 1 फरवरी, 1989

का.आ. 469.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाययुक्त अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय को सूचना देती है ;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरोक्षण साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत मार्ग, बिलासपुर-495001 के कार्यालय में या कलकत्ता शाहडोल (मध्य प्रदेश) के कार्यालय में प्रथमा कोयला निर्यतक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अधीन आने वाली भूमि में कितना सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निविष्ट सभी नक्शों, नोटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, महायुक्त सम्पदा प्रबंधक, साउथ ईस्टर्न कोलफील्ड्स लि. सीपत मार्ग, बिलासपुर को भेजेंगे ।

अनुसूची

जमुना कौटमा विस्तार ब्लॉक (ब्लाक-क)

जमुना कौटमा कोलफील्ड्स

जिला शाहडोल (मध्य प्रदेश)

रेखांक सं. एसईसीएल:जीएम:जेईडके: 7 तारीख 4 अक्टूबर, 1988 (सर्वेक्षण के लिए अधिसूचित भूमि)

क्र.सं. ग्राम का नाम बन्दोबस्त तहसील जिला क्षेत्र हेक्टर में टिप्पणियाँ

1. जमुना	333	भसूपुर शाहडोल	71.400	भाग
2. पासन	80	भसूपुर शाहडोल	131.400	भाग
कुल क्षेत्र 202.800 हेक्टर (लगभग)				
या 501.118 एकड़ (लगभग)				

सीमा वर्णन :

क-ख-ग रेखा जमुना ग्राम "क" बिन्दु से आरम्भ होती है और पासन ग्राम से होकर गुजरती है और "ग" बिन्दु पर मिलती है ।

ग-घ-ङ रेखा पासन ग्राम से होकर जाती है और उती ग्राम में उत्तर दिशा की ओर बढ़ती है तथा "ङ" बिन्दु पर मिलती है ।

ङ-च-छ-ज रेखा पासन ग्राम होकर जाती है और पासन और जमुना ग्रामों की सम्मिलित सीमा पर मिलती है और "ज" बिन्दु पर मिलती है ।

ज-झ-ट रेखा जमुना ग्राम से होकर जाती है और फिर पासन ग्राम से गुजरती है तथा "ट" बिन्दु पर मिलती है ।

ट-ठ-ड-क रेखा पासन ग्राम से होकर, फिर जमुना ग्राम होकर जाती है और उती ग्राम में आरंभिक बिन्दु "क" पर मिलती है ।

[सं. 43015/16/88-एस.एस.डब्ल्यू.]

MINISTRY OF ENERGY

(DEPARTMENT OF COAL)

New Delhi, the 1st February, 1989

S.O. 469.—Where as it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 or at the office of the Collector, Shahdol (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Assistant Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
JAMUNA KOTMA EXTENSION BLOCK (BLOCK 'A')
JAMUNA KOTMA COAL FIELD
DISTRICT-SHAHDOL (MADHYA PRADESH)

Plan No. SECL : GM : J&K : 7

Date : 4th October, 1988

(showing land notified for prospecting)

Sl. No.	Name of Village	Settlement	Number	Tehsil	District	Area in hectares	Remarks
1.	Jamuna	333	Annuppur	Shahdol		71.400	Part
2.	Pasan	580	Annuppur	Shahdol		131.400	Part

Total : 202.800 Hectares (approximately)

OR

501.118 Acres (approximately)

BOUNDARY DESCRIPTION :

- A—B—C Line starts from point 'A' in village Jamuna and then passes through village Pasan and meets at Point 'C'.
- C—D—E Line passes through village Pasan and proceeds towards north direction in the same village and meet at point 'E'.
- E—F—G—H Line passes through village Pasan and meets at the common boundary of villages Pasan and Jamuna and meets at point 'H'.
- H—I—J—K Line passes through village Jamuna and then through village Pasan and meet at point 'K'.
- K—L—M—A Line passes through village pasan and then through village Jamuna and meets in the same village at the starting point 'A'.

[No. 43015/16/88-LSW]

का.आ. 470.—केन्द्रीय सरकार ने, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 9 मई, 1987 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 1201, तारीख 24 अप्रैल, 1987 द्वारा कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिशेष में जो इस अधिसूचना से उपाखण्ड अनुसूची में भी विनिर्दिष्ट है, 3746.09 हेक्टर (लगभग) या 9256.962 एकड़ (लगभग) माप मान को भूमि में कोयले के पर्वक्षेत्र के लिए अपने प्राण्य की सूचना दी थी,

और उक्त भूमियों को बाबत, उक्त अधिनियम की धारा 7 की उप-धारा (1) के अधीन कोई सूचना नहीं दी गई है,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 9 मई, 1989 से प्रारम्भ होने वाली एक वर्ष की और अवधि को, उक्त अधिविध के रूप में विनिर्दिष्ट करती है, जिसके भीतर केन्द्रीय सरकार उक्त भूमियों की या ऐसी भूमियों में या उन पर किन्हीं अधिकारों के अर्जन के अपने प्राण्य की सूचना दे सकेगी।

अनुसूची
 माण्डक ब्लॉक
 वर्णा क्षेत्र
 जिला चन्द्रपुर (महाराष्ट्र)

क्रम सं.	ग्राम का नाम	पट्टवारी सिकिल संख्यांक	तहसील	जिला	हेक्टरों में क्षेत्र	दिप्प-णिचां
1.	बडाला	30	भद्रावली चन्द्रपुर		65.00	भाग
2.	रामपुरी	31	भद्रावली चन्द्रपुर		29.20	सम्पूर्ण
3.	मोहावाला	31	भद्रावली चन्द्रपुर		25.00	भाग
4.	समुधाना	31	भद्रावली चन्द्रपुर		75.00	भाग
5.	छुटकला	31	भद्रावली चन्द्रपुर		285.97	संपूर्ण

1	2	3	4	5
6. भद्रावली	26	भद्रावली चन्द्रपुर	339.24	संपूर्ण
7. गौराला	30	भद्रावली चन्द्रपुर	314.25	संपूर्ण
8. विजामन	27	भद्रावली चन्द्रपुर	896.02	संपूर्ण
9. चिचोरडी	25	भद्रावली चन्द्रपुर	556.06	संपूर्ण
10. केसुरली	27	भद्रावली चन्द्रपुर	353.43	संपूर्ण
11. कुराडा	5	भद्रावली चन्द्रपुर	363.92	संपूर्ण
12. दिपलवाडा	4	भद्रावली चन्द्रपुर	65.00	भाग
13. कोन्वा	5	भद्रावली चन्द्रपुर	450.00	भाग
14. कडोली	6	भद्रावली चन्द्रपुर	18.00	भाग

कुल क्षेत्र 3746.09 हेक्टर (लगभग)
 या 9256.962 एकड़ (लगभग)

सीमा वर्णन :

क-ख-ग रेखा, बिन्दु "क" से प्रारम्भ होता है और कोन्वा ग्राम की बाहरी सीमा के साथ साथ जाती है और तब कडोली ग्राम से होकर जाती है फिर केसुरली, चिचोरडी, छुटकला ग्रामों की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।

ग-घ रेखा, छुटकला ग्राम की बाहरी-सीमा के साथ साथ जाती है, फिर मुमवाता, मोहावा, बडाला ग्रामों से होकर जाती है और बिन्दु "घ" पर मिलती है।

घ-ङ रेखा, बडाला ग्राम से होकर जाती है, फिर गौराला, विजामन, ग्रामों की बाहरी सीमा के साथ साथ जाती है और बिन्दु "ङ" पर मिलती है।

ङ-च रेखा, विजामन ग्राम की बाहरी सीमा के साथ-साथ जाती है फिर दिपलवाडा ग्राम से होकर जाती है और बिन्दु "च" पर मिलती है।

च-क रेखा, कोन्वा ग्राम से होकर जाती है और प्रारम्भिक बिन्दु "क" पर मिलती है।

[सं. 43015/3/87-सं.प./एन. एस. उल्लेख]

S.O. 470.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) number S.O. 1201 dated the 24th April, 1987, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, Sub-section (ii) of the Gazette of India dated the 9th May, 1987, the Central Government gave notice of its intention to prospect for coal in lands measuring 3746.09 hectares (approximately) or 9256.962 acres (approximately) in the locality specified in the schedule appended thereto as also in the schedule hereto annexed:

And whereas in respect of the said lands, no notice under sub-section (1) of Section 7 of the said Act has been given.

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 9th May, 1989 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

SCHEDULE
BHANDAK BLOCK
WANI AREA
DISTRICT CHANDRAPUR (MAHARASHTRA)

Sl. No	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Wadala	30	Bhadravati	Chandrapur	65.00	Part
2.	Rampuri	31	Bhadravati	Chandrapur	39.20	Full
3.	Mohabala	31	Bhadravati	Chandrapur	25.00	Part
4.	Sumthana	31	Bhadravati	Chandrapur	75.00	Part
5.	Ghutkala	31	Bhadravati	Chandrapur	285.87	Full
6.	Bhadravati	26	Bhadravati	Chandrapur	339.34	Full
7.	Gaurala	30	Bhadravati	Chandrapur	314.25	Full
8.	Vijasan	27	Bhadravati	Chandrapur	896.02	Full
9.	Chichordi	25	Bhadravati	Chandrapur	556.06	Full
10.	Kesurli	27	Bhadravati	Chandrapur	353.43	Full
11.	Kuroda	5	Bhadravati	Chandrapur	263.92	Full
12.	Deulwada	4	Bhadravati	Chandrapur	65.00	Part
13.	Kondha	5	Bhadravati	Chandrapur	450.00	Part
14.	Kadholi	6	Bhadravati	Chandrapur	18.00	Part

Total area : 3764.09 hectares (approximately).

OR

9256.962 acres (approximately).

BOUNDARY DESCRIPTION :

A—B—C	Line starts from point 'A' and passes along the outer boundary of village Koncha, proceeds through village Kadholi, then along the outer boundary of villages Kesurli, Chichordi, Ghutkala and meets at points 'C'.
C—D	Line passes along the outer boundary of village Ghutkala, then proceeds through villages Sumthana Mohabala, Wadala and meets at point 'D'.
D—E	Line passes through village Wadala, then proceeds along the outer boundary of villages Gaurala, Vijasan and meets at point 'E'.
E—F	Line passes along the outer boundary of village Vijasan, then through village Deulwada and meets at point 'F'.
F—A	Line passes through village Kondha and meets at starting point 'A'.

No. 43015/3/87-CA/LSW

दि. 8 फरवरी, 1989

का.आ. 471.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास अधिनियम, 1957) (1957 का 20) की धारा 4 की उपधारा (1) के अधीन, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 14 जून, 1988 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 2296, तारीख 28 मई, 1986 द्वारा, उन अधिसूचना से सवाल अनुसूची में विनिर्दिष्ट परिच्छेद सं 2233.57 हेक्टर (जागा) या 5642.81 एकड़ (लगभग) माप की भूमि में कोयले का पृथक्करण करने के प्रारंभ आदि की सूचना दी थी;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 1502 तारीख 29 अप्रैल, 1988 द्वारा 14 जून, 1988 से प्रारम्भ होने वाली एक वर्ष की और अधिव की, उक्त अधिव के रूप में विनिर्दिष्ट किया था, जिसके अन्तर्गत केन्द्रीय सरकार, उक्त भूमि को या ऐसी भूमि में या उस पर के किसी अधिवार को अधिन करने के प्रारंभ आदि की सूचना दे गयेगी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि में कोयला अधिग्राह्य है;

या यथ, वेंद्रीय सरकार, राज्य अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें संलग्न अनुसूची में वर्णित 52.11 हेक्टर (लगभग) या 128.71 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान, बीर करने, उनकी खुदाई करने और खनिजों की निकास करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार के भाग का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. सी-1(ई)/III एफ धारा/417-0588 का निर्देशन कन्स्ट्रक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक 1, काउन्सिल हाउस स्ट्रीट कलकत्ता के कार्यालय में अथवा वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्थान विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पण 2: पूर्वोक्त अधिनियम की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबन्ध हैं:--
अर्जन किए जाने के बारे में आपत्तियां

"8. (1) कोई व्यक्ति जो किसी भूमि में जिसकी श्रावत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निहाने जाने के तम दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारियों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

पर्यावर्तण. इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करती चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करने चाहें।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सूचित करने का या विधि व्यवसायी द्वारा नुबार्ड का प्रदत्त देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अनिवार्य जांच, यदि कोई हो, करने के पश्चात् जो वह आदेशक सम्मति है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी निष्कारिणां और उनके द्वारा की गई कार्यवाही के प्रभिलेख सहित विभिन्न रिपोर्टों केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकार में जिन का दावा करने का हक्कार होता यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।"

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1. काउन्सिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

साबनेर परियोजना क्षेत्र-II (भाग II)

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

खनन अधिकार--

क्रम सं.	ग्राम का नाम	पटवारी सफिम सं.	नष्टमील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	साबनेर	34	साबनेर	नागपुर	23.17	भाग
2.	गुजरखेड़ी	33	साबनेर	नागपुर	28.64	भाग
कुल क्षेत्र:				52.11 हेक्टेयर (लगभग)		
या				128.71 एकड़ (लगभग)		

ग्राम साबनेर में अर्जित किए जाने वाले प्लॉट सं.

552/1, 2, 3, 4, 5 भाग, 553/1-2, 554/1-2, 553/3-4 भाग, 554/3-4 भाग, 556 भाग, 557, 558/1-2, 559/1 भाग, 559/2, 560 भाग, 561/1, 561/2 भाग, 561/6 भाग, 561/7, 561/8 भाग, 561/9 भाग, 561/10-11 भाग।

ग्राम गुजरखेड़ी में अर्जित किए जाने वाले प्लॉट सं.

101/1, 102-103, 104/1के, 104/1जीएच, 104/1जी, 104/1केएच, 104/2, 105/1-2, 106/1, 106/2, 107, 108/1, 108/2, 109/1-2, 112/2 केएच

सीमा वर्णन:

- क--ख रेखा बिन्दु "क" से आरम्भ होती है और साबनेर तथा गुजरखेड़ी ग्राम से कोयार नदी के ऊपरी किनारे के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।
- ख--ग रेखा ग्राम गुजरखेड़ी से होकर प्लॉट सं. 109/1-109/2, 112/2 के एच, 107 की वास्तव सीमा के साथ साथ जाती है, सड़क को पार करती है और बिन्दु "ग" पर मिलती है।
- ग--घ रेखा गुजरखेड़ी और साबनेर ग्रामों से होकर, ग्राम सड़क के उत्तरी पार्श्व के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।
- घ--क रेखा साबनेर ग्राम से होकर प्लॉट सं. 552/1, 2, 3, 4, 5, 555/3-4, 554/3-4, 556, 559/1, 560, 561/10, 561/11, 561/9, 561/8, 561/7, 561/6, 561/2 में से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

New Delhi, the 8th February, 1989

S.O. 471.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2296 dated the 28th May, 1986 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) published in the Gazette of India in Part-II, Section 3, Sub-section (ii) dated the 14th June, 1986, the Central Government gave notice of its intention to prospect for coal in 2283.57 hectares (approximately) or 5642.81 acres (approximately) of the land in the locality specified in the Schedule annexed to that notification ;

And whereas, by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1502 dated the 29th April, 1988 under sub-section (1) of section 7 of the said Act, the Central Government specified a further period of one year commencing from the 14th June, 1988 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands ;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said land ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire part of the right to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 52.11 hectares (approximately) or 128.71 acres (approximately) in Mining Rights described in schedule appended hereto ;

Note 1—The plan bearing No. C-1 (E)/III/FR/417-0588 of the area covered by this notification may be inspected in the Office of the Collector, Nagpur (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

Note 2—Attention is hereby invited to the provisions of Section 8 of the aforesaid Act, which provides as follows :

OBJECTIONS TO ACQUISITION :

"8(1)—Any person interested in any land in respect of which a notification under section 7 has been issued, may within thirty days of the issue of notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

EXPLANATION :

It shall not be an objection within the meaning of this section for any person to say that the himself desires to undertake mining operations in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the Competent Authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3—The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the Competent Authority under the Act.

SCHEDULE
SAONER PROJECT PHASE-II (PART-II)
NAGPUR AREA
DISTRICT NAGPUR (MAHARASHTRA)

MINING RIGHTS

Sl. No.	Name of the villages	Patwari circle Number	Tahsil	District	Area in hectares	Remarks
1.	Saoner	34	Saoner	Nagpur	23.47	Part
2.	Gujarkhedi	33	Saoner	Nagpur	28.64	Part
Total Area :					52.11 hectares (approximately)	
					OR	
					128.71 acres (approximately)	

Plot numbers to be acquired in Village Saoner :

552/1,2,3,4,5 Part, 553/1-2, 554/1-2, 553/3-4 Part, 554/3-4 Part, 556 Part 557, 558/1-2, 559/1 Part, 559/2, 560 Part, 561/1, 561/2 Part, 561/6 Part, 561/7 Part, 561/8 Part, 561/9 Part, 561/10-11 Part.

Plot numbers to be acquired in village Gujarkhedi :

101/1, 102-103, 104/1K, 104/1GH, 104/1G, 104/1KH, 104/2, 105/1-2, 106/1, 106/2, 107, 108/1, 108/2, 109/1-2, 112/2 KH.

BOUNDARY DESCRIPTION :

- A—B** Line starts from point A and passes through villages Saoner and Gujarkhedi along the northern bank of Kolar River and meets at point 'B'.
- B—C** Line passes through village Gujarkhedi along the outer boundary of plot numbers 109/1-109/2, 112/2 Kh, 107 crosses road and meets at point 'C'.
- C—D** Line passes through villages Gujarkhedi and Saoner along the northern side of village road and meets at point 'D'.
- D—A** Line passes through village saoner in plot numbers 552/1,2,3,4,5, 553/3-4, 554/3-4, to 556, 559/1, 560, 561/10, to 561/11, 561/9, 561/8, 561/7, 561/6, 561/2 and meets at the starting point A.

148(भाग), 154 (भाग), 155(भाग), 455 (भाग), 456 से 458, 459(भाग), 460 (भाग), 463 (भाग), 464(भाग), 483(भाग), 485 (भाग), 486, 487 (भाग), 488(भाग), 489 (भाग), 503 (भाग), 504 (भाग), 505 से 523, 524 (भाग), 525 से 612, 613 (भाग), 614(भाग), 615 (भाग), 616 से 623, 624 (भाग), 625, 626 (भाग), 627 (भाग), 628 (भाग), 629 (भाग), 630 (भाग), 631, 632 (भाग), 633 से 794, 795 (भाग), 796(भाग), 797(भाग), 798(भाग), 817, (भाग), 818(भाग), 819(भाग), 820 से 823, 824(भाग), 825 से 832, 833 (भाग), 834(भाग), 836, 836(भाग), 837(भाग), 839(भाग), 851 (भाग), 1257(भाग), 1267(भाग), 1268, 1269, 1270 466 GL/89—3.

(भाग), 1271, 1272, 1273(भाग), 1274, 1275(भाग), 1276 से 1309, 1310(भाग), 1311 (भाग), 1314 (भाग), 1328(भाग), 1329, 1330(भाग), 1331, 1332(भाग), 1360 (भाग), 649/1401, 725/1403, 678/1402।

ग्राम बकही में अजित किए जाने वाले प्लॉट संख्यांक (भाग):

1 से 790, 791 (भाग), 792 से 1082, 1083 (भाग), 1084 से 1148, 1149 (भाग), 1150 (भाग), 1151 से 1159, 1160 (भाग), 1161 (भाग), 1189 (भाग), 1191 (भाग), 1192 (भाग), 1193 (भाग), 1195 (भाग), 1196 से 1198, 1199 (भाग), 1200, 1201 (भाग), 1208 (भाग), 1209 (भाग), 1210 (भाग), 1211 से 1294, 1295 (भाग), 1296 (भाग), 1297 (भाग), 1299 (भाग), 1300 (भाग), 1301 (भाग), 1302 (भाग), 1303 (भाग), 1304 से 1307, 1308 (भाग), 1309 से 1320, 1322 (भाग), 1321 (भाग), 1323 से 1414, 1415 (भाग), 1416 (भाग), 1417 (भाग), 1418, 1419, 1420 (भाग), 1421 (भाग), 1422 (भाग), 1423 से 1437, 1438 (भाग), 1439 (भाग), 1440 (भाग), 1441, 1442 (भाग), 1443 (भाग), 1444 (भाग), 1468(भाग), 1471 (भाग), 1472, 1473 (भाग), 1060/1718, 1419/1720, 1414/1721 169/1725, 1258/1726, 495/1728 और 415/1729।

सीमा वर्णन:

- क—ख रेखा बिन्दु "क" से प्रारम्भ होती है और नागरा नाला जो कि ग्राम बकही और साबो की सम्मिलित सीमा भी है, के मध्य से गुजरती हुई बिन्दु "ख" पर मिलती है।
- ख—ग रेखा सोन नदी जो कि ग्राम बकहो-बाका, बकही-बाका और बकही-खमरोध की सम्मिलित सीमा भी है, के मध्य से गुजरती हुई बिन्दु "ग" पर मिलती है।
- ग—घ रेखा सोन नदी जो कि ग्राम बकही-खटुरा की सम्मिलित सीमा भी है के मध्य से गुजरती हुई बिन्दु "घ" पर मिलती है।
- घ—ङ रेखा ग्राम बकही के प्लॉट संख्यांक 791, 1083, 1160, 1161, 1150, 1149, 1189, 1191, 1192, 1193, 1195, 1199, 1201, 1209, 1208, 1210, 1296, 1295, 1297, 1299, 1300, 1302, 1303, 1308, 1321, 1322, 1473, 1471, 1468, 1444, 1438, 1439, 1440, 1443, 1442, 1416, 1422, 1421, 1420, 1416, 1417, 1415, 1416 से निकलती है और ग्राम बकहो के प्लॉट संख्यांक 1360, 1310, 1311, 1314, 1330, 1328, 1332, 1275, 1273, 1257 से होती हुई बिन्दु "ङ" पर मिलती है।
- ङ—च रेखा ग्राम बकहो के प्लॉट संख्यांक 1257, 1270, 1267, 839, 833, 837, 834, 836, 824, 851, 819, 818, 817, 795, 796, 797, 798 632 से होती हुई खनन पट्टा सीमा के साथ-साथ जाती है और बिन्दु "च" पर मिलती है।
- च—द रेखा ग्राम बकहो के प्लॉट संख्यांक 632, 630, 629, 624, 626, 627, 615, 614, 628, 613, 455, 460, 459, 463, 464, 485, 483, 487, 488, 489, 524, 503, 504, 155, 154, 148 से होती हुई खनन पट्टा सीमा के साथ साथ जाती है और प्रारम्भिक बिन्दु "क" पर मिलती है।

[सं. 43015/29/85-सी ए/एल एस डब्ल्यू]

New Delhi, the 16th February, 1989

S.O. 472.—Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal S.O. 792 dated the 12th February, 1986 under sub section (1) of section 4 of Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), and published in the Gazette of India in Part-II, section 3, sub section (ii) dated 1st March, 1986 the Central Government gave notice of its intention to prospect for coal in 4775.54 acres (approximately) or 1932.593 hectares (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas by the notification of the Government of India, Ministry of Energy (Department of Coal) No. S.O. 998 dated the 3rd March, 1988 under sub section (1) of section 7 of the said Act, the Central Government specified a further period of one year commencing from the 1st March, 1988 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said land.

Now, therefore, in exercise of the powers conferred by sub section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 1693.437 acres (approximately) or 685.311 hectares (approximately) described in the Schedule appended hereto:

Note—1 : The plan bearing No. SECL : BSP : GM(PROJ): LAND : 34 dated 21st December 1988 of the area covered by this notification may be inspected in the office of the Collector, Shahdol (Madhya Pradesh) or in the office of the Coal Controller 1, Council House Street, Calcutta or in the office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road, Bilaspur-495001 (Madhya Pradesh).

Note—2 : Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provides as follows :

OBJECTIONS TO ACQUISITION :

"(8)(1) Any person interested in any land in respect of which a notification under section 7(i) has been issued may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

EXPLANATION :—

It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub section (1) shall be made to the competent authority in writing and the Competent Authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interested in compensation if the land or any rights in or over such land were acquired under this Act.

Note—3 : The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the Competent Authority under the Act."

THE SCHEDULE
BATURA BLOCK
SOHAGPUR COALFIELD
DISTRICT--SHAHDOL (MADHYA PRADESH)

MINING RIGHTS

S. No.	Name of Village	General Number	Tahsil	District	Area in hectares	Remarks
1.	Bakho	369	Sohagpur	Shahdol	169.377	Part
2.	Bakhi	639	Anuppur	Shahdol	515.934	Part.
			Grand Total	685.311 hectares (approximately)		
OR						
1693.437 acres (approximately)						

Plot numbers to be acquired in village Bakho (part).

148(P), 154(P), 155(P), 455(P), 456 to 558, 459(P), 460(P), 463(P), 464(P), 483(P), 485(P), 486, 487(P), 488(P), 489(P), 503(P), 504(P), 505 to 523, 524(P), 525 to 612, 613(P), 614(P), 615(P), 616 to 623, 624(P), 625, 626(P), 627(P), 628(P), 629(P), 630(P), 631, 632(P), 633 to 794, 795 (P), 796 (P), 797(P), 798(P), 817(P), 818(P), 819(P), 820 to 823, 824(P), 825 to 832, 833(P), 834(P), 835(P), 836(P), 837(P), 839(P), 851(P), 1257(P), 1267(P), 1268, 1269, 1270(P), 1271, 1272, 1273(P), 1274, 1275 (P), 1276 to 1309, 1310(P), 1311(P), 1314(P), 1328(P), 1329, 1330(P), 1331, 1332(P), 1360(P), 649/1401, 725/1403, 678/1402.

Plot number to be acquired in village Bakhi. (part).

1 to 790, 791(P), 792 to 1082, 1083(P), 1084 to 1148, 1149(P), 1150(P), 1151 to 1159, 1160(P), 1161(P), 1189(P), 1191(P), 1192(P), 1193(P), 1195(P), 1196 to 1198, 1199(P), 1200, 1201(P), 1208(P), 1209(P), 1210(P), 1211 to 1294, 1295(P), 1296(P), 1297(P), 1299(P), 1300(P), 1301, 1302(P), 1303(P), 1304 to 1307, 1308(P), 1309 to 1320, 1322(P), 1321(P), 1323 to 1414, 1451(P), 1416(P), 1417(P), 1418, 1419, 1420(P), 1421(P), 1422(P), 1423 to 1437, 1438(P), 1439(P), 1440(P), 1441, 1442(P), 1443(P), 1444(P), 1468(P), 1471(P), 1472, 1473(P), 1060/1718, 1419/1720, 1414/1721, 169/1725, 1258/1726, 495/1728 and 415/1729.

BOUNDARY DESCRIPTION :

- A—B Line starts from point A. and passes along the mid of Nargara nallah which is also common boundary of villages Bakho and sabo and meets at point 'B'.
- B—C Line passes along mid of the Son river which also common boundary of villages Bakho-Chaka, Bakhi Chaka and Bakhi Khamroudh and meets at point 'C'.
- C—D Line passes along mid of the Son river which is also common boundary of villages Bakhi-Batura and meets at point 'D'.
- D—E Line passes in village Bakhi through plot Nos. 791, 1083, 1160, 1161, 1150, 1149, 1189, 1191, 1192, 1193, 1195, 1199, 1201, 1209, 1208, 1210, 1296, 1295, 1297, 1299, 1300, 1302, 1303, 1308, 1321, 1322, 1473, 1471, 1468, 1444, 1438, 1439, 1440, 1443, 1442, 1416, 1422, 1421, 1420, 1416, 1417, 1415, 1416, and then proceeds in village Bakho through plot Nos. 1360, 1310, 1311, 1314, 1330, 1323, 1332, 1275, 1273, 1257, and meets at point 'E'.
- E—F Line passes along mining lease boundary through plot Nos. 1257, 1270, 1267, 839, 833, 837, 834, 836, 824, 851, 819, 818, 817, 795, 796, 707, 798, 632 of village Bakho and meets at point 'F'.
- F—A Line passes along mining lease boundary through plot Nos. 632, 630, 629, 624, 626, 627, 615, 614, 628, 613, 455, 460, 459, 463, 464, 485, 483, 487, 488, 489, 524, 503, 504, 155, 154, 148, of village Bakho and meets at the starting point 'A'.

[No.43015/29/85-CA/LSW]

नई दिल्ली, 19 जनवरी, 1989

शुद्धि-पत्र

का.घा.473--भारत के अध्यापन राजपत्र तारीख 18 अप्रैल, 1988 के भाग 2, खंड-3, उपखंड (2) में पृष्ठ क्रमांक 1 से 5 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय कोयला विभाग की अधिसूचना का.घा. 399(अ) तारीख 18 अप्रैल, 1988 में--

पृष्ठ 2 पर

अनुसूची "क" में

बहेराबांध के स्थान पर बहेराबांध पढ़ें।

हासदेव के स्थान पर हासदेव पढ़ें।

तालिका में, तहसील स्तंभ के नीचे:--

कोटमा के स्थान पर कोतमा पढ़ें। और जहाँ कहीं भी यह शब्द प्रयुक्त हुए हों वहाँ "कोटमा" के स्थान पर "कोतमा" पढ़ें।

पृष्ठ 3 पर

रेखा क 4-क5-क6 प्रथम पंक्ति बेनीबहरा के स्थान पर बेनीबहरा पढ़ें। बहेराबांध के स्थान पर बहेराबांध पढ़ें। सातवीं पंक्ति बहेराबांध के स्थान पर बहेराबांध पढ़ें और जहाँ कहीं भी यह शब्द प्रयुक्त हुए हों वहाँ बहेराबांध के स्थान पर बहेराबांध पढ़ें।

रेखा क11-क12-क13-क14-क15-क16-क17-क18-क19-क20-क21-क22-क क, के स्थान पर रेखा क11-क12-क13-क14-क15-क16-क17-क18-क19-क20-क21-क22-क1 पढ़ें। अनुसूची "ख" में

हासदेव के स्थान पर हासदेव पढ़ें।

तालिका में:--

ग्राम स्तंभ के नीचे

क्रम सं. 5 भागता के स्थान पर भगता पढ़ें।

क्रम सं. 7-केबतार के स्थान पर केबतार पढ़ें। और जहाँ कहीं भी यह शब्द प्रयुक्त हुए हों वहाँ "केबतार" के स्थान पर केबतार पढ़ें।

क्र.सं. 9-बेनीबहरा के स्थान पर बेनीबहरा पढ़ें। और जहाँ कहीं भी यह शब्द प्रयुक्त हुए हों वहाँ "बेनीबहरा" के स्थान पर "बेनीबहरा" पढ़ें।

क्र.सं. 10-लोहसरा के स्थान पर लोहसरा पढ़ें। और जहाँ कहीं भी यह शब्द प्रयुक्त हुए हों वहाँ "लोहसरा" के स्थान पर "लोहसरा" पढ़ें।

क्र.सं. 12-सोमनाटोला के स्थान पर सोमनाटोला पढ़ें। और जहाँ कहीं भी यह शब्द प्रयुक्त हुए हों वहाँ "सोमनाटोला" के स्थान पर "सोमनाटोला" पढ़ें।

पृष्ठ 5 पर

सोमा वर्णन में

रेखा ख 7-ख 8-ख 9-ख 10-ख 11-ख 12-ख 13- निम्हा के स्थान पर "निम्हा" पढ़ें।

ढाईटोला के स्थान पर घाईटोला पढ़ें।

रेखा ख 16-ख 17-ख 18-ख 19-खाजाटोला के स्थान पर साजाटोला पढ़ें। मुहला के स्थान पर भुहला पढ़ें। और जहाँ कहीं भी यह शब्द प्रयुक्त हुआ हो वहाँ "मुहला" के स्थान पर भुहला पढ़ें।

रेखा ख 19-ख 20-ख 21-कमेरया-कोठी के स्थान पर कोरया-कोठी पढ़ें।

रेखा ख 21-ख 22-ख 23-ख 24-ख 25 भाटाईड-छुहा के स्थान पर भाटाईड-छुहा पढ़ें।

रेखा ख 29-ख 30-ख 31-ख 32-ख 33-ख 34 दूसरी पंक्ति भागता के स्थान पर भगता पढ़ें।

जोशी पंक्ति 366,0418 के स्थान पर 358,416 पढ़ें।

रेखा ख 34-ख 35-ख 36-ख 37 लोहसरा के स्थान पर लाहसरा पढ़ें।

[सं. 43015/1/85-सो.ए./एल.एस.इ.यू.]
बो.बी. राव, अधीक्षक सचिव

New Delhi, the 19th January, 1989

CORRIGENDUM

S.O. 473.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) S.O. No. 599(I) dated the 18th April, 1988, published at pages 6 to 8 of the Gazette of India Extraordinary, Part II, Section 3, Sub-Section (ii) dated the 18th April, 1988.

at page—6,

in (b), 2nd line, for "4668.697" read "4868.697"; in Explanation, 3rd line, for 'centra RI', read "Central"; in schedule "A", "BEHERABAND", read "BAHERBANDH".

at page—7,

in plot numbers to be acquired in Mahuwari alias Mahuwari Khurd, 1st, for "90 to 99" read "90 to 93"; in BOUNDARY DESCRIPTION, line A6-A7-A8-/1-A8/2-A9-A10 4th line, for "hrough", read "through" Line A11-A12-A13-A14-A15-A16-A17-A18-A19-A20-A21 9th line, for "A11" read "A1";

at page-8,

in plot numbers to be acquired in Mahuwari alias Mahuwari Khurd, 3rd line for "273, 674", read "273/674"; in BOUNDARY DESCRIPTION, for "line 834-835-836", read "834-835-836-837"; in line, 834-835-836-837 2nd line, for "51, read "551"; 3rd line, for "Loshara", read "Lohsara".

[No. 43015/1/85-CA/LSW]
B. B. RAO, Under Secy.

खाद्य एवं नागरिक पूर्ति मंत्रालय

(खाद्य विभाग)

नई दिल्ली, 18 जनवरी, 1989

आदेश

का.आ. 474—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपार्थ निदेशालयों और खाद्य विभाग के बेसन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के क्रय, भण्डारण, मंचलन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बंद कर दिया है जो कि खाद्य विभाग अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के तुल्य हैं।

और अतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों में कार्य कर रहे और उपरिबर्णित कृत्यों के पालन में लगे निम्नलिखित कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें विनिर्दिष्ट तारीख के अन्दर भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12-ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12-ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है:-

क्रम अधिकाारी/ सं. कर्मचारी का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम में स्था- नान्तरण की तारीख
1. श्री महेन्द्र कुमार गोवाम लिपिक शर्मा सुपुत्र श्री भगवत प्रसाद शर्मा		सहायक ग्रेड-3 (ए)	1-3-1969

[सं. 52-1/88-एफ.सो.-3]
ओ.पी. गुप्त, अधीक्षक सचिव

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Food)

New Delhi, the 18th January, 1989

ORDER

S.O. 474.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directorate and the Pay & Accounts Offices of the Department of Food which under section 13 of Food Corporation Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following employee serving in the Department of Food, Regional Directorate of Food, and engaged in the performance of the functions mentioned above has not, in respect to the circular of the Central Government dated the 16th April, 1971, intimated, within the date specified therein, his intention of not becoming employee of the Food Corporation of India as required by the proviso to sub-Section (1) of Section 12A of the said Act.

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporation Act, 1964 (37 of 1964), has amended upto date the Central Government hereby transfer the following employee to the Food Corporation of India with effect from the date mentioned against him.

Sl. No.	Name of the Officer/employee	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer.	Date of transfer to F.C.I.
1	2	3	4	5
1.	Sh. Mahendra Kumar Sharma, S/o Sh. Bhagwat Prasad Sharma.	Godown Clerk	A.G.-III(A)	1-3-1969

[Pt. No. 52-1/86-FC.III]
O. P. GUPTA, Under Secy.

इस्पात और खान मंत्रालय

(इस्पात विभाग)

नई दिल्ली, 13 फरवरी, 1989

का.प्रा. 475-—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में केन्द्रीय सरकार एतद्वारा हिन्दुस्तान स्टील वर्क्स कंस्ट्रक्शन लि., भिलाई को, जिनके कर्मचारी-बन्धु ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई. 11011(1)/88-हिन्दी]
मनमोहन श्रीवास्तव, उप सचिव

MINISTRY OF STEEL AND MINES
(Department of Steel)

New Delhi, the 13th February, 1989

S.O. 475.—In pursuance of sub-rule (4) of rule 10 of the Official Language, (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Hindustan Steel Works Construction Limited, Bhilai whereof the staff have acquired working knowledge of Hindi.

[No. E. 11011(1)/88-Hindi]
M. M. SRIVASTAVA, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 3 जनवरी, 1989

का.प्रा. 476-—केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रवृत्त

शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की दूसरी अनुसूची का निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अनुसूची की सब 3-ग और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और उससे संबंधित प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

"3-ग-उस्मानिया विश्वविद्यालय, हैदराबाद	होम्योपैथीक औषध और शल्य चिकित्सा स्नातक	एमबीएस(एच) सीधे	1984 से 1990 तक
उस्मानिया विश्व-विद्यालय, हैदराबाद	होम्योपैथीक औषध और शल्य चिकित्सा स्नातक	एम बी एम (एच) विशेष प्रवृत्त	1979 से 1983 तक

[सं. बी.-27021/12/84-होम्यो.]

एम.के. पुष्पाकरण, डैस्क अधिकारी (होम्यो)

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 3rd January, 1989

S.O. 476.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government after consulting the Central Council of Homoeopathy, hereby makes the following amendments in the Second Schedule of the said Act, namely:—

In the said Schedule, for item 3C and the entries relating thereto, the following items and entries shall be substituted namely :—

"3C Osmania University Hyderabad.	Bachelor of Homoeopathic Medicine and Surgery	MBS(H) Direct	From 1984 to 1990
Osmania University Hyderabad	Bachelor of Homoeopathic Medicine and Surgery	MBS(H) Special Qualifying Examination	From 1979 to 1983"

[No. V.27021/12/84-Homoeo]

N. K. PUSHPAKARAN, Desk Officer (Homoeo)

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 22 फरवरी, 1989

(पुरातत्व)

का. प्रा. 477-—केन्द्रीय सरकार की यह राय है कि इससे उदाहरण अनुसूची में विनिर्दिष्ट प्राचीन स्थल और अवशेष राष्ट्रीय महत्व के हैं।

अतः, अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन स्थल और अवशेषों को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है,

ऐसे आशय पर, जो इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन स्थल और अवशेषों में हितवद् किसी व्यक्ति से प्राप्त होगा, केन्द्रीय सरकार विचार करेगी।

अनुसूची

राज्य	जिला	परिक्षेत्र	स्थल का नाम	संरक्षण के अधीन सम्मिलित किया जाने वाला राजस्व प्लॉट संख्यांक
प्रान्ध प्रदेश	गुंटूर	बड्डामनु	प्राचीन स्थल और अवशेष	सर्वेक्षण प्लॉट संख्यांक 176 का भाग, जैसा नीचे उद्धृत स्थल रेखांक पर वर्णित है।
क्षेत्र	सीमा	स्वामित्व	टिप्पणियाँ	
10.31 हैस्टेयर	उत्तर-सर्वेक्षण प्लॉट संख्यांक 176, 177, 178 और 184 पूर्व-सर्वेक्षण प्लॉट संख्यांक 176 और 123 दक्षिण-सर्वेक्षण प्लॉट संख्यांक 135, 136 और 169 पश्चिम-सर्वेक्षण प्लॉट सं. 170, 172 और 175	सरकार		

DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi, the 22nd February, 1989

(ARCHAEOLOGY)

S.O. 477.—Whereas the Central Government is of opinion that the ancient site and remains specified in the Schedule annexed hereto are of national importance,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient site and remains to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient site and remains will be taken into consideration by the Central Government.

SCHEDULE

State	District	Locality	Name of Site	Revenue plot numbers to be included under protection
Andhra Pradesh	Guntur	Vaddamanu	Ancient site and remains	Part of Survey plot number 176 as shown on the site plan reproduced below.

Area	Boundaries	Ownership	Remarks
10.31 hectares	North.—Survey plot numbers 176, 177, 178 and 184. East.—Survey plot numbers 176 and 123. South.—Survey plot numbers 136, 136 and 169. West.—Survey plot numbers 170, 172 and 175.	Government	—

SITE PLAN OF VADDAMANU ANCIENT-SITE

DIST. GUNTUR FIELD NO. S.NO.176(Part)

TALUK: MANGALGIRI AREA 25.77 acres (10.31(Hes.)

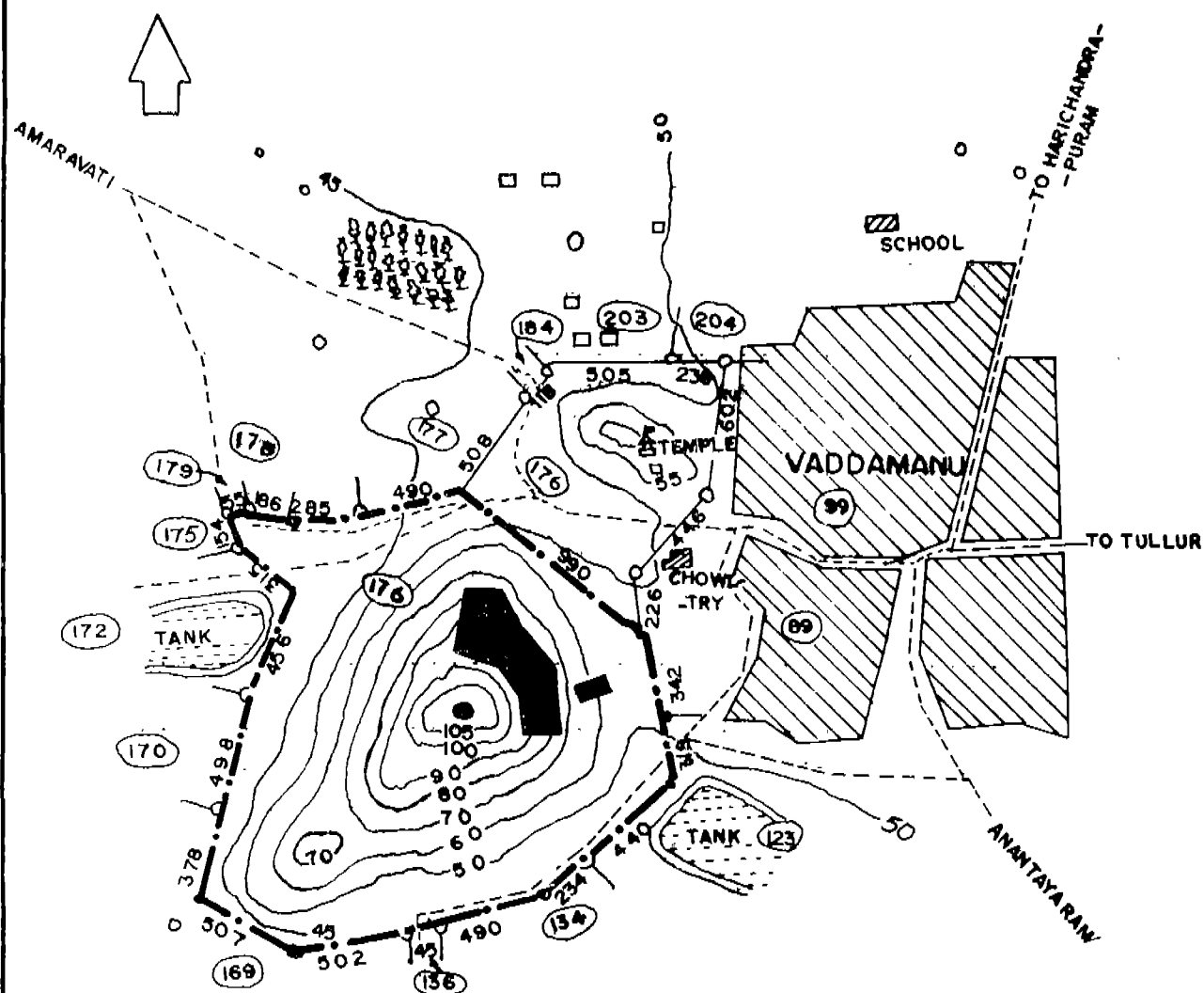
SCALE 1cm = 47.24mts. OR 1 inch = 6 chains

NOTES:-

ALL MEASUREMENTS OF REVENUE BOUNDARIES ARE IN LINKS

AREA PROPOSED FOR PROTECTION ————

SITES EXCAVATED BY BIRLA ARCHL.RESEARCH INSTITUTE HYDERABAD ■



का.आ. 478.—केन्द्रीय सरकार की यह राय है कि इसे उपाध्यक्ष अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है

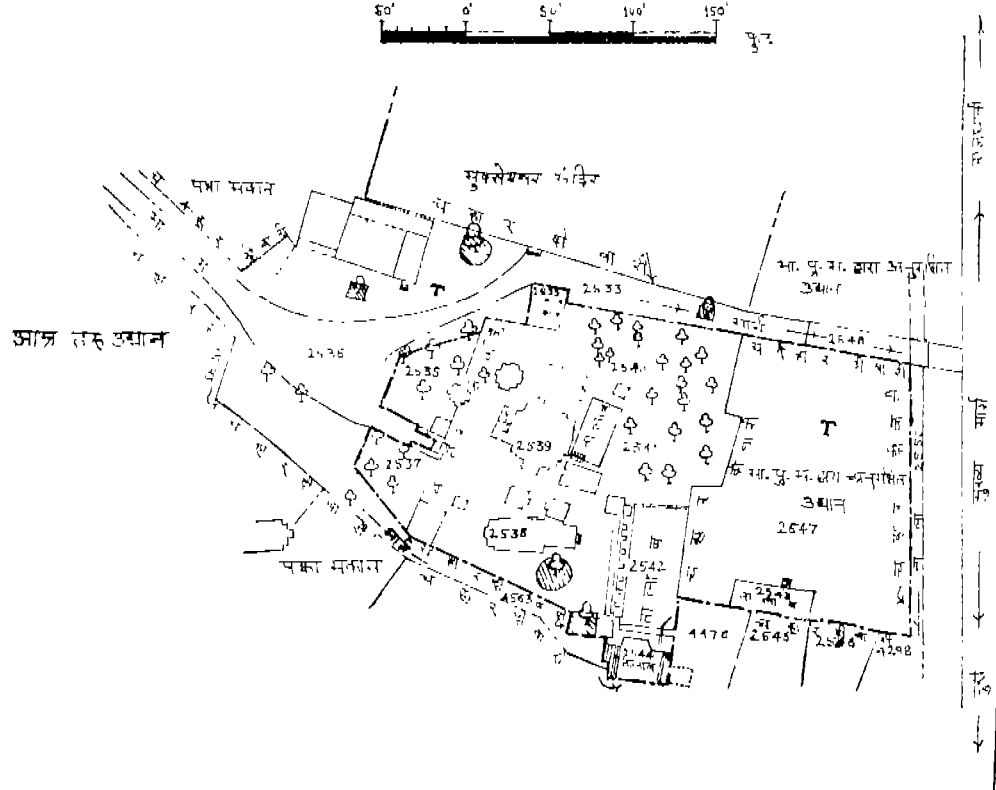
अतः, अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्त्विक स्वन और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और संस्कृति विभाग भारतीय पुरातत्त्व सर्वेक्षण की अधिसूचना सं. का.आ. 3000, तारीख 5 सितम्बर, 1984 को अधिनियम करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है ;

ऐसे आशेष, पर जो इस प्रकार विनिर्दिष्ट हो जाय की अवधि के भीतर उक्त संस्मारक में द्रिक्कृत किसी व्यक्ति ने प्राप्त होगा, केन्द्रीय सरकार विचार करेगी ।

अनुसूची

राज्य	जिला	तहसील	अवस्थान	संस्मारक का नाम	संरक्षण के अधीन सम्मिलित किए जाने वाले सर्वेक्षण प्लॉट सं.
1	2	3	4	5	6
उड़ीसा	बुरी	भुवनेश्वर	भुवनेश्वर	केदारगौरी मंदिर कॉम्प्लेक्स और उनके साथ लक्ष्मी कुम्भा सर्वेक्षण प्लॉट सं. 2535, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2547 और 2533 के भाग जैसा नीचे दिए स्थल रेखांक में वर्णित है ।	सर्वेक्षण प्लॉट सं. 2535, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2547 और सर्वेक्षण प्लॉट सं. 2533 का भाग जैसा नीचे दिए स्थल रेखांक में वर्णित है ।

क्षेत्र	सीमाएं	स्वामित्व	टिप्पणी
7	8	9	10
0.43 हैक्टर	उत्तर—सर्वेक्षण प्लॉट सं. 2548 (सड़क) और सर्वेक्षण प्लॉट सं. 2535 (सड़क) का सेष भाग । पूर्व—सर्वेक्षण प्लॉट सं. 2550 (सड़क) दक्षिण—सर्वेक्षण प्लॉट सं. 4298, 2546, 2545, 4476, 4563 (सड़क) और सर्वेक्षण प्लॉट सं. 2536 का भाग पश्चिम—सर्वेक्षण प्लॉट सं. 2536	सर्वेक्षण प्लॉट सं. 2538, 2539, 2540, 2541 और 2542— श्री केदारेश्वर देव मार्फत न्यासी सर्वेक्षण प्लॉट सं. 2535, 2537 और 2544 श्री लिंगराज महाप्रभु सर्वेक्षण प्लॉट सं. 2543 गौरी देवी मार्फत न्यासी : सर्वेक्षण प्लॉट सं. 2543 और 2547 भुवनेश्वर ।	मंदिर में पूजा होती है ।



खाली जमीन

संरक्षण की प्रस्तावित परिसीमाएं - - - - -

S.O. 478.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) and in supersession of the notification of the Department of

Culture, Archaeological Survey of India number S.O. 3000 dated the 5th September, 1984, the Central Government gives notice of its intention to declare the said ancient monuments to be of national importance.

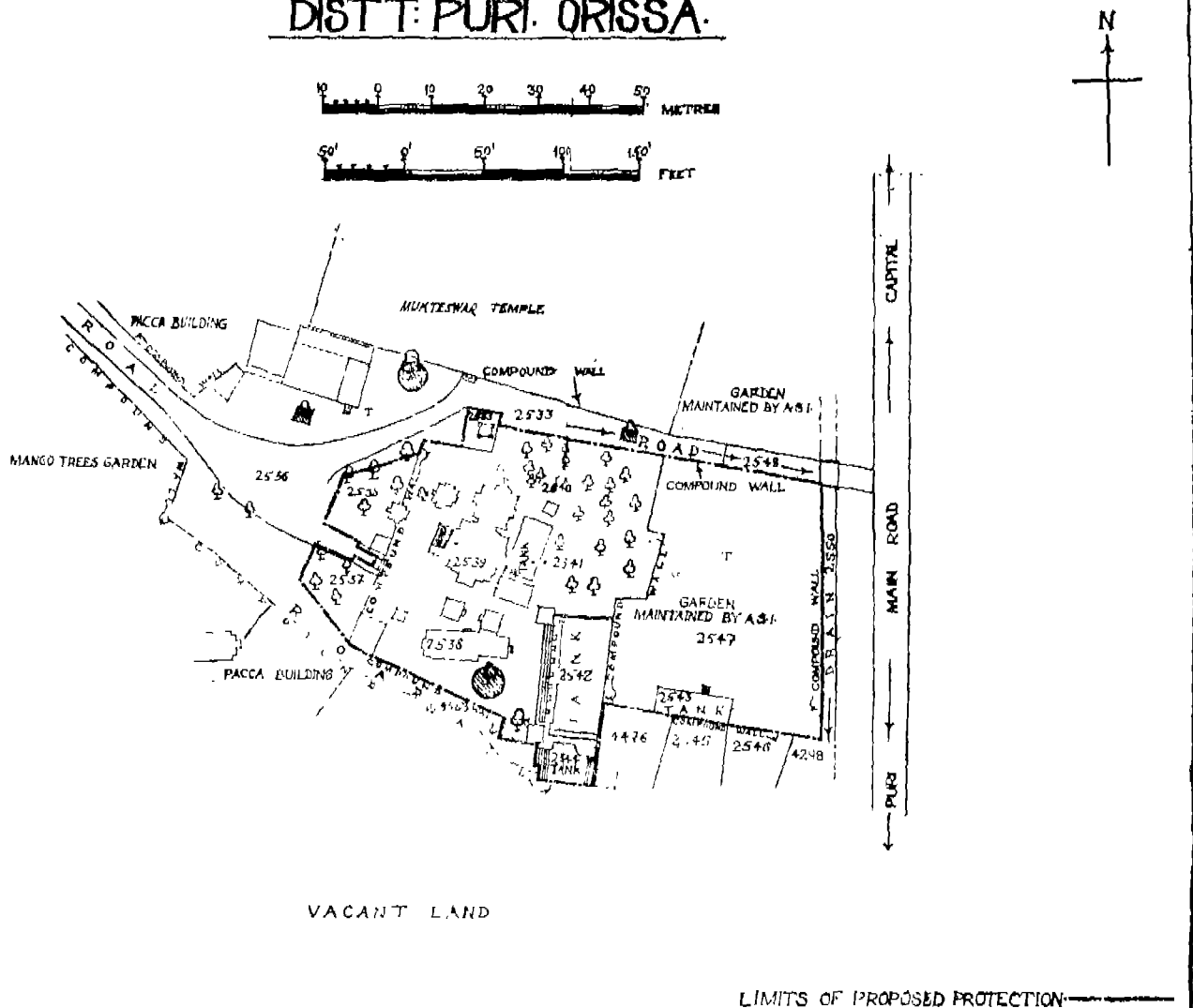
Any objection which may be received from any person interested in the said monument within a period of two months so specified, will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of monument
Orissa	Puri	Bhubaneswar	Bhubaneswar	Kedar—Gauri temples complex together with adjacent area comprised in survey plot numbers 2535, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2547 and part of survey plot number 2533 as shown in the site plan reproduced below.

Revenue Plot Numbers to be included under protection	Area	Boundaries	Ownership	Remarks
Survey plot numbers 2535, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2547 and part of survey plot number 2533 as shown in the site plan reproduced below.	0.43 hectares	North.—Survey plot numbers 2548 (road) and remaining portion of survey plot number 2535 (road). East.—Survey plot number 2550 (road). South.—Survey plot numbers 4298, 2546, 2545, 4476, 4563 (road) and part of survey plot number 2536. West.—Survey Plot number 2536.	Survey plot numbers 2538, 2539, 2540, 2541 and 2542 Shri Kedarcswar Dev Marfat Trustees. Survey plot numbers 2535, 2537 and 2544 Shri Lingaraj Mahaprabhu. Survey plot number 2543 Gauri Devi Marfat Trustees. Survey numbers 2543 and 2547 Government Bhubaneswar.	Temples under worship

SITE PLAN OF KEDAR-GAURI TEMPLES AT BHUBANESWAR, DISTT: PURI, ORISSA.



का.आ. 479.—केंद्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 का उप-धारा (1) की अपेक्षानुसार (भारत सरकार के संस्कृति विभाग) भारतीय पुरातत्व सर्वेक्षण) की एक अधिगूचना सं. का.आ. 1546 तारीख 5 मई, 1988 द्वारा, जो भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2) तारीख 21 मई, 1988 में प्रकाशित की गई थी, उक्त अधिगूचना की अनुसूची में विनिर्दिष्ट दो मास संस्मारकों को राष्ट्रीय महत्व का घोषित करने के अर्थ आगत की सूचना दी थी और उक्त अधिगूचना की एक प्रति उक्त संस्मारक के लंबी एक महजदूख जगत पर लगा दी गई थी ;

और उक्त राजपत्र जन्ता की 23 मई, 1988 को उपरोक्त कथा दिया गया था ।

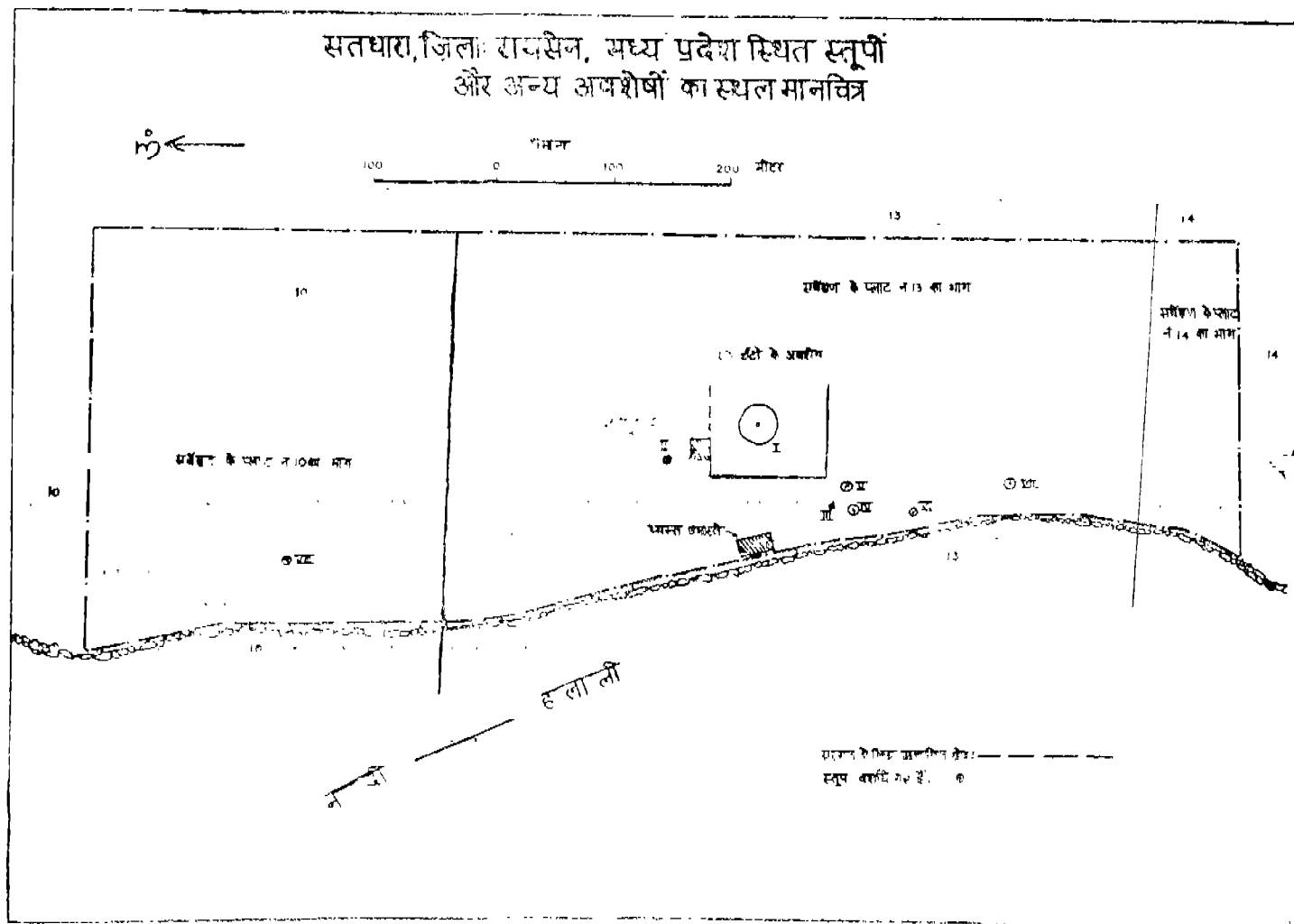
और केन्द्रीय सरकार को जन्ता से कोई आक्षेप प्राप्त नहीं हुआ है ।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, इनके उक्त अधिगूचना में विनिर्दिष्ट प्राचीन संस्मारकों को राष्ट्रीय महत्व का घोषित करती है ।

अनुसूची

राज्य	जिला	परिसर	संस्मारक का नाम	संरक्षण के अर्धीन सम्मिलित किया जाने वाला राजस्व प्लॉट संख्यांक
1	2	3	4	5
मध्य प्रदेश	रायसेन	गुरली खेड़ी	सतधारा स्थित स्तूप और अवशेष	नीचे उक्त स्थल के रेखांक में यथा वर्णित सर्वेक्षण प्लॉट संख्यांक 10, 13 और 14 के भाग

क्षेत्र	सीमा	स्वामित्व	टिप्पणियाँ
6	7	8	9
28.14 हेक्टर	उत्तर—सर्वेक्षण प्लॉट सं. 10 का अवशिष्ट भाग पूर्व—सर्वेक्षण प्लॉट सं. 10, 13 और 14 का अवशिष्ट भाग दक्षिण—सर्वेक्षण प्लॉट सं. 14 का अवशिष्ट भाग पश्चिम—सर्वेक्षण प्लॉट संख्यांक 10, 13 और 14 का अवशिष्ट भाग	वन विभाग, मध्य प्रदेश सरकार	



[सं. 2/44/79-मु.स.]

S.O. 479.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O. 1546 dated the 5th May, 1988 published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 21st May, 1988, the Central Government gave two months notice of the intention to declare the monument specified in the Schedule to the said notification to be of national importance and a copy of the said notification was affixed in a conspicuous place near the said monuments as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas the said Gazette was made available to the public on the 23rd May, 1988;

And whereas no objection from the public has been received by the Central Government;

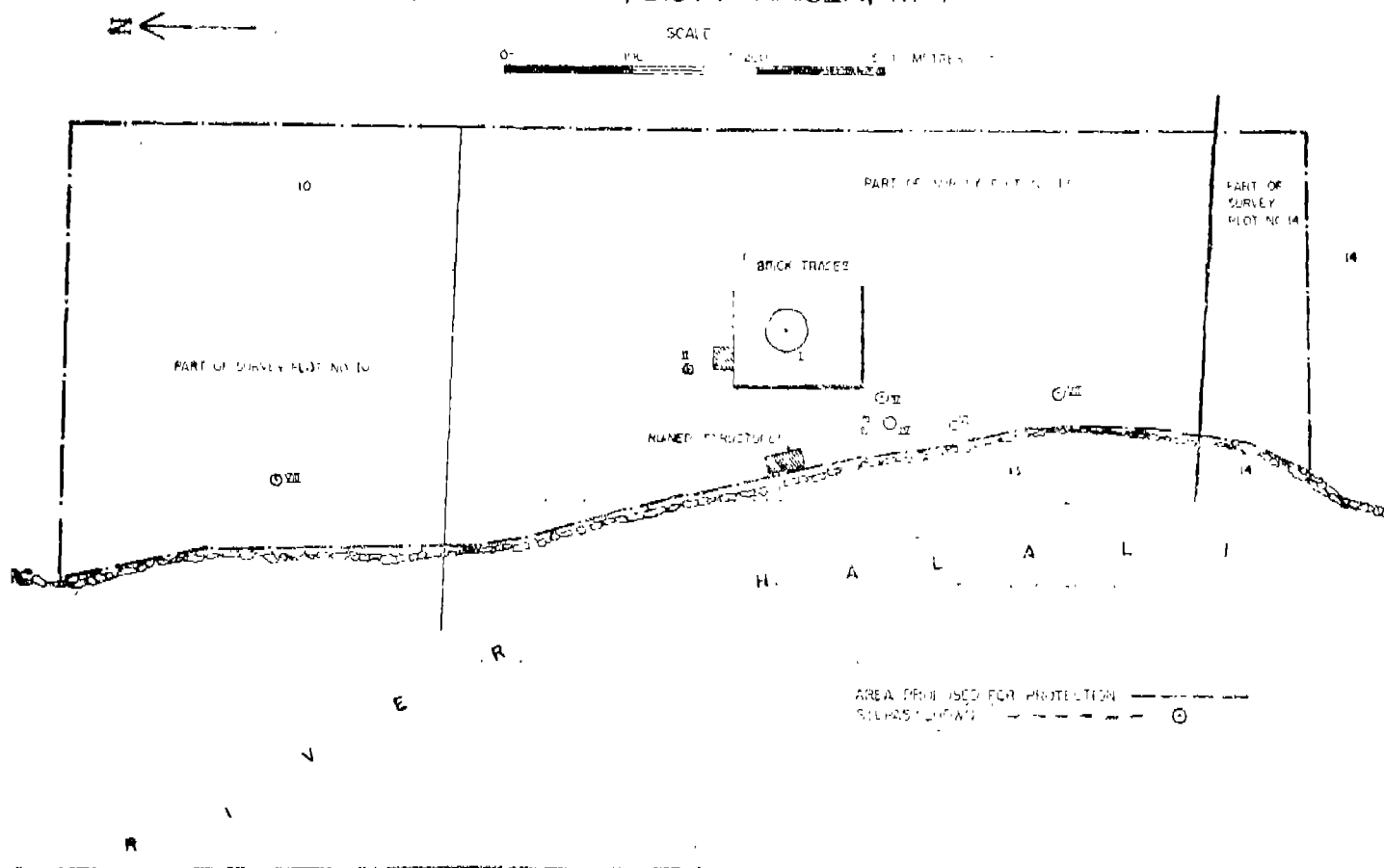
Now, therefore, in exercise of the powers conferred by sub-section 3 of section 4 of the said Act the Central Government hereby declares the ancient monuments specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Monument	Revenue plot numbers included under protection
1	2	3	4	5
Madhya Pradesh	Raisen	Murlikheddi	Stupas and other remains at Satdhara	Parts of survey plot numbers 10, 13 and 14 as shown in the site plan reproduced below.

Area	Boundaries	Ownership	Remarks
6	7	8	9
28.154 Hectares	North.—Remaining portion of Survey plot number 10 East.—Remaining portion of Survey plot numbers 10, 13 and 14 South.—Remaining portion of Survey plot number 14. West.—Remaining portion of Survey plot numbers 10, 13 and 14.	Forest Department, Govt. of Madhya Pradesh.	

SITE PLAN OF STUPAS AND OTHER REMAINS AT SATDHARA, DISTT. RAISEN, M. P.



का.भा. 480.—केंद्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्त्विक स्वर और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अनेकानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की एक अधिसूचना सं. का.भा. सं. 2024 तारीख 10 जून, 1988 द्वारा जो भारत के राजपल, भाग 2, खण्ड 3, उपाखण्ड (ii), तारीख 2 जुलाई, 1988 से प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट प्राचीन अवशेष को राष्ट्रीय महत्व का घोषित करने के अपने आशय को दो माय की सूचना दी थी और उक्त अधिसूचना की एक प्रति उक्त अवशेष के एक महत्वपूर्ण स्थान पर लगा दी गई थी।

और उक्त राजपल की प्रतियां जनता को 5 जुलाई, 1988 को उपलब्ध करा दी गई थीं।

और केंद्रीय सरकार को जनता से कोई आक्षेप प्राप्त नहीं हुआ है।

अतः, केंद्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इनके आशय अनुसूची में विनिर्दिष्ट प्राचीन अवशेष को राष्ट्रीय महत्व का घोषित करती है।

अनुसूची

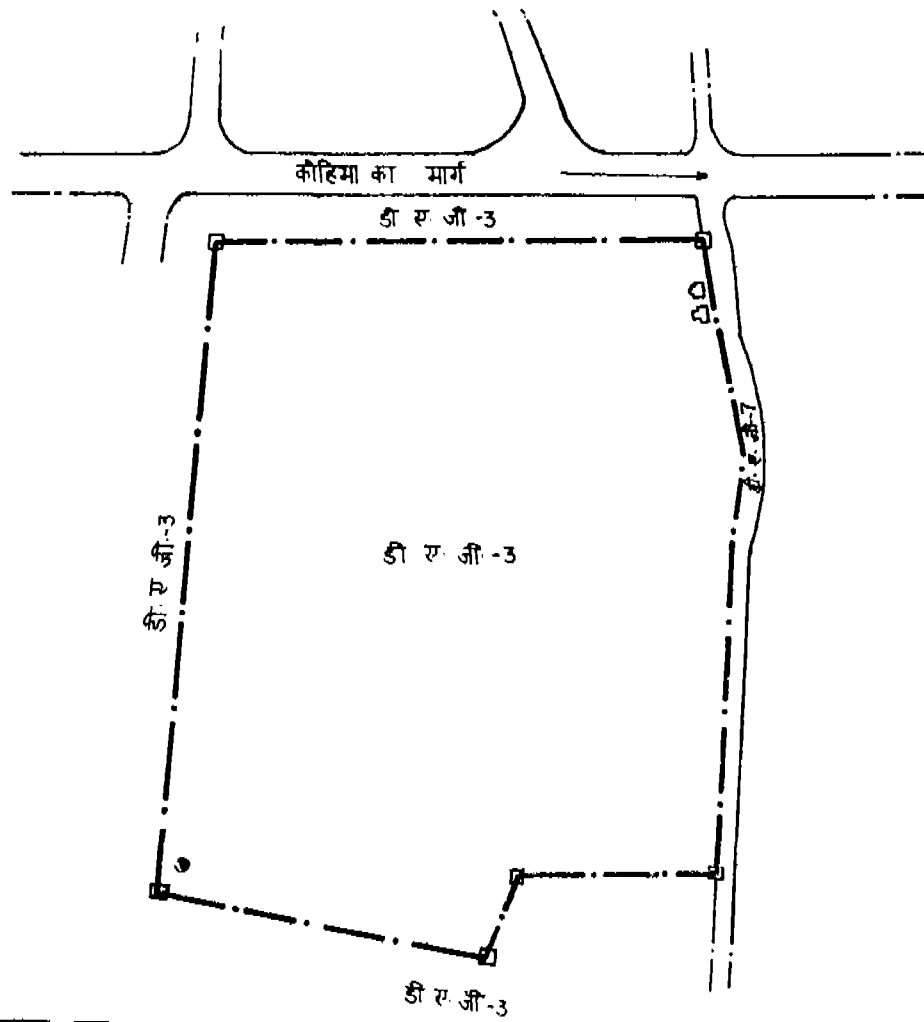
राज्य	जिला	परिक्षेत्र	संस्मारक/स्वर का नाम	संरक्षण के अर्जित, संस्थित किया जाने वाला राजस्व प्लॉट संख्यांक
1	2	3	4	5
नागालैंड	कोहिमा	दीमापुर	फिले के अवशेष	नीचे उद्धृत किए गए स्थल रेखांक में यथादर्शित डी ए पी 13 ग्लाफ सं. 2 का भाग।

क्षेत्र	सीमा	स्वामित्व	टिप्पणियां
6	7	8	9
16. 63	उत्तर--डी ए जी सं. 3 का अवशिष्ट भाग पूर्व--डी ए जी सं. 7 (मड़क) दक्षिण--डी ए जी सं. 3 का अवशिष्ट भाग पश्चिम--डी ए जी सं. 3 का अवशिष्ट भाग	भारतीय पुरातत्व सर्वेक्षण	कुछ नहीं

दीमापुर अवशेषों का स्थल मानचित्र ज़िला कीहिमा, नागालैण्ड

50 25 0 50 100 150 200 मीटर

उ



संरक्षण क्षेत्र — — — —

[सं. 3/8/86-एम.]

जगन्पति जोशी, महानिदेशक

S.O. 480.—Whereas by notification of the Government of India in the Department of Culture (Archaeological Survey of India) S.O. No. 2024, dated the 10th June, 1988, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 2nd July 1988, the Central Government gave two month's notice of its intention to declare the ancient remains specified in the Schedule to the said notification, to be of national importance and a copy of the said notification was affixed in a conspicuous place of the said remains as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

Any whereas the copies of the said Gazette were made available to the public on the 5th July, 1988;

And whereas, no objection from the public has been received by the Central Government;

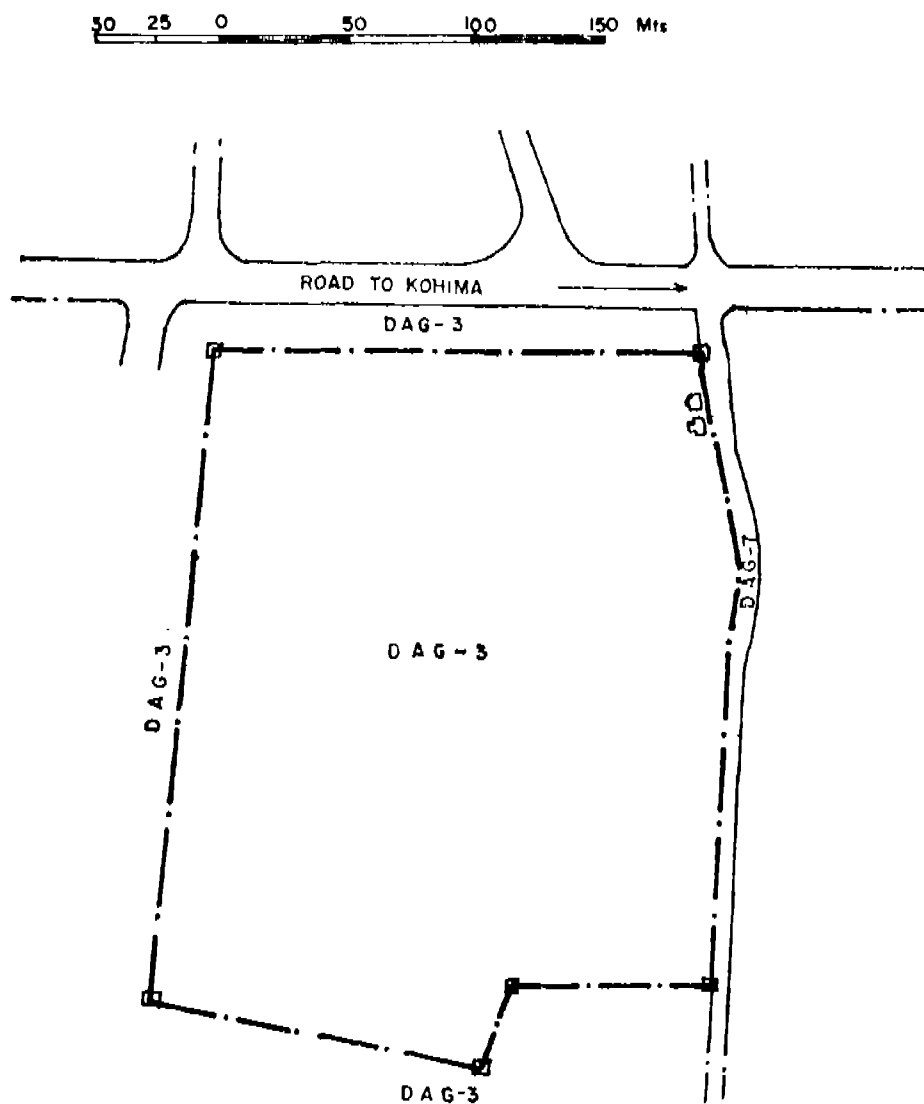
Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declares the ancient remains specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Monument/Site	Revenue plot numbers included under protection
1	2	3	4	5
Nagaland	Kohima	Dimapur	Remains of a Fort.	Part of DAG 3 Block No. 2 as shown in site plan reproduced below.

Area	Boundaries	Ownership	Remarks
6	7	8	9
13.63 Acres.	North.—Remaining portion of Dag No. 3. East.—Dag No. 7. (Road). South.—Remaining portion of Dag No. 3. West.—Remaining portion of Dag No. 3.	Archaeological Survey of India.	Nil.

SITE PLAN OF DIMAPUR RUINS DISTT. KOHIMA, NAGALAND



PROTECTED AREA SHOWN : ~~SECRET~~ • ~~CONFIDENTIAL~~ • ~~SECRET~~

सहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 9 फरवरी, 1989,

विकास विभाग प्राधिकरण

(मुख्य योजना अनुभाग)

सार्वजनिक सूचनाएं

नई दिल्ली, 11 मार्च, 1989

का. प्रा. 481.—यहां निम्नलिखित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केंद्रीय सरकार दिल्ली बृहत् योजना/क्षेत्रीय विकास योजना में प्रस्तावित करता है तथा जिस विकास अधिनियम, 1957 (1975 का 61) का धारा 44 के प्रावधानों के अनुसार दिनांक 22-2-1988 के नोटिस रुक्या एफ 20(2)/87-एम. पी. द्वारा प्रकाशित किया गया था जिसमें उक्त अधिनियम का धारा 11-क का उप धारा (3) में प्रस्तावित आपत्त/सुझाव उक्त नोटिस की तारीख के 30 दिन की अवधि में आमतौर पर किए गए थे।

आर यतः उक्त प्रस्तावित संशोधनों के बारे में नई नीतियों और सुझाव प्राप्त नहीं हुए हैं, तो केंद्रीय सरकार ने दिल्ली बृहत्/सहाय विकास योजना में संशोधन करने का निर्णय किया है।

अतः अब केंद्रीय सरकार, उक्त अधिनियम का धारा 11-क की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत की राजधानी में इस आधुनिकीकरण की प्रकृति को ताराख से दिल्ली का उक्त बृहत् योजना में एवद्वारा निम्नलिखित संशोधन करती है:—

संशोधन:

"एक क्षेत्र जिसका क्षेत्रफल लगभग 6.07 हेक्टे. है और जो महाराजी-महाराजपुरा सड़क (महापौर 75 मीटर) के दक्षिण में स्थित है गुजराती स्मॉल कं पुर्ष में "ग्राम हरित पट्टा" में से "ग्राम हरित पट्टा" से "सरकार और अन्तर्गतों गुजराती में बदलने का प्रस्ताव है"।

[स. क-13011/7/87-ड. डा.-11ए/वाए]

अर्जुन देव, डेस्क अधिकारी

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 9th February, 1989

S.O. 481.—Whereas certain modifications which the Central Government proposes to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F. 20(2)/87-MP dated the 22-2-88 in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act within thirty days from the date of the said notice;

And whereas no objections and suggestions have been received with regard to the said proposed modification, the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION :

"The land use of an area, measuring about 6.07 hect. located at the south of the Mehrauli-Mahipalpur Road (r/v 75 mts.), out of 'Agricultural Green Belt' in the east of Sultan Garhi monuments, is changed from 'Agricultural Green Belt' to 'Public and Semi Public facilities'.

[No. K-13011/7/87-DDHA/VA]

ARJAN DEV, Desk Officer

का. प्रा. 482.—केंद्रीय सरकार का दिल्ली को मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एवद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो प्रथम सुझाव देना हो तो वह अपनी आपत्ति प्रथम सुझाव निवेदित रूप में इस सूचना के जारी होने की तिथि से तीन दिन की अवधि के अंदर सचिव, विकास विभाग, विकास सदन, (बी) ब्लॉक, आई.एन.ए. की भेजें। आपत्ति करने प्रथम सुझाव देते वाले व्यक्ति को अपना नाम और पता भी प्रत्यक्ष देना चाहिए।

संशोधन :

उत्तर में इन्दिरा गांधी हवाई अड्डा भूमि, दक्षिण में समालखा गांव, पूर्व में 60 मी. मार्गधिकार का सड़क और पश्चिम में बिजवासन गांव का कृषि हरित भूमि के विरुद्ध लगभग 25 एकड़ क्षेत्र (खसरा नं. 6, 15, 16/1, 16/2, 24, 25, 7, 8, 9, 10, 11/1, 11/2, 12, 13, 14, 15/2, 16/1, 17/2/1, 18, 19/1, 19/2, 20, 21/1, 21/2, 22, 23, 1 2, 3, 4, 5 गांव समालखा और खसरा नं. 193 मिन, 24/1 मिन, और 24/2 मिन गांव बिजवासन) की भूमि उदात्त "कृषि हरित पट्टा" से "सार्वजनिक एवं अर्ध-सार्वजनिक" भूमि में बदला जाना प्रस्तावित है।

प्रस्तावित संशोधन का वर्णन वाला नक्सा निराकरण के लिए उपर्युक्त अवधि के अंदर समा कार्य दिवसों में उल्लेखित (मुख्य योजना) कार्यालय, विकास मंत्रालय, छठा मंजिल, इन्टरनेट एस्टेट, नई दिल्ली के पास उपलब्ध होगा।

[स. एफ 20(16)/85-एम.पी.]

DELHI DEVELOPMENT AUTHORITY

(Master Plan Section)

PUBLIC NOTICES

New Delhi, the 11th March, 1989

S.O. 482.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, I.N.A., 'B' Block, New Delhi with in a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

MODIFICATION :

"The land use of an area measuring about 25 acres (kh. nos. 6, 15, 16/1, 16/2, 24, 25, 7, 8, 9, 10, 11/1, 11/2, 12, 13, 14, 15/2, 16/1, 17/2/1, 18, 19/1, 19/2, 20, 21/1, 21/2, 22, 23, 1, 2, 3, 4, 5, village Samalkha and Khasra nos. 193 min. 24/1 min. and 24/2 min. Village Bijwasan) bounded by IAAI land on the North, Samalkha Village on the South, 60 mtrs. R/W Road on the East and Agricultural Green land of Bijwasan village on the West is proposed to be changed from "Agricultural Green Belt" to "Public & Semi Public Facilities".

2. The Plan indicating the proposed modification will be available for inspection at the office of the Deputy Director, Master Plan Section, Vikas Minar, 6th Floor, I. P. Estate, New Delhi on all working days within the period referred to above.

[F. 20(16)]85-MP.]

का.भा. 483.—केन्द्रीय सरकार का दिल्ली की मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो प्रथवा सुझाव देना हो तो वह अपना आपत्ति प्रथवा सुझाव लिखित रूप में सूचना के जारी होने की तिथि से तीस दिन की अवधि के अंदर सचिव, दिल्ली विकास प्राधिकरण, विकास भवन, (बी) ब्लॉक, आई.एन.ए. का भेज दें। आपत्ति करने प्रथवा सुझाव देने वाले व्यक्ति को अपना नाम और पता भी अवश्य देना चाहिए।

संशोधन :

उत्तर एवं दक्षिण में कृषि हरित पट्टा, परिवहन में विद्यमान काम हाऊसों और पूर्व में प्राचा कार्यालयों शक्ति पौठ से घिरी लगभग 5.36 एकड़ भूमि के (उत्तर पुर गांव के खसरा नं. 66/1, 68, 69, 70, 71, 72, 73 एवं 74) के क्षेत्र का ग्रामीण उपयोग जोन से "सार्वजनिक एवं अर्ध-सार्वजनिक सुविधाओं (धार्मिक)" में बदला जाना प्रस्तावित है।

प्रस्ताव संशोधन को दर्शाने वाला नक्शा निरीक्षण के लिए उपर्युक्त अवधि के अंदर सभी दिवसों में उपनिदेशक (मुख्य योजना) कार्यालय, विकास मोनार, छठी मंजिल, इन्द्र प्रस्थ एस्टेट, नई दिल्ली के पास उपलब्ध होगा।

[सं. एक-3(23)]85-एम.पी.]

जनक जुनेजा, सचिव

S.O. 483.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, I.N.A., 'B' Block, New Delhi with in a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

MODIFICATION :

"The land use of an area measuring about 5.36 acres (Kh. Nos. 66/1, 68, 69, 70, 71, 72, 73 & 74 of village Chhattarpur) bounded by Agricultural Green Belt towards North and South, Existing Farm Houses in the West and existing Adya Katyani Shakti Pith Temple in the East is proposed to be changed from 'Rural use zone' to Public and Semi Public Facilities' (Religious)".

2. The Plan indicating the proposed modification will be available for inspection at the office of the Deputy Director, Master Plan Section, Vikas Minar, 6th Floor, I. P. Estate, New Delhi on all working days within the period referred to above.

[F. 3(23)]85-MP.]

JANAK JUNEJA, Secy.

संचार मंत्रालय

दूरसंचार बोर्ड

नई दिल्ली, 15 फरवरी, 1989

का. भा. 484.—नारतीय तार नियमावली 1951 के नियम 434 (iii) (2ग) की अवस्थाओं के अनुसार भागलपुर टेलीफोन एक्सचेंज प्रणाली के अंतर्गत आने वाले स्थानीय क्षेत्र में संशोधन में संशोधन एक सार्वजनिक सूचना भागलपुर में प्रचलित समाचार पत्रों में प्रकाशित कार्रवाई की गई थी जिसमें इस समाचार के प्रकाशन की तारीख से 30 दिन की अवधि के भीतर हमसे प्रतिक्रिया होने वाले व्यक्तियों में आपत्तियां एवं सुझाव आये गए थे;

और जबकि यह सूचना 5-12-1988 के "आज" और "दि टाइम्स ऑफ इंडिया" तथा 6-12-1988 के "हिन्दुस्तान" समाचारपत्रों में प्रकाशित कार्रवाई की गई।

और इस सूचना के प्रकाशन के पश्चात् जनता में कोई आपत्ति और सुझाव प्राप्त नहीं हुए।

अतः उपर्युक्त नियमावली के नियम 434 (iii) (2ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महानिदेशक दूरसंचार यह घोषणा करते हैं कि 1-3-1989 से भागलपुर टेलीफोन प्रणाली का संशोधित स्थानीय क्षेत्र इस प्रकार होगा।

भागलपुर टेलीफोन एक्सचेंज प्रणाली

भागलपुर टेलीफोन प्रणाली के स्थानीय क्षेत्र के अंतर्गत भागलपुर नगरपालिका के क्षेत्र में आने वाली सभी क्षेत्र शामिल होंगे किन्तु भागलपुर नगरपालिका सीमा के बाहर स्थित वे टेलीफोन उपभोक्ता जिन्हें भागलपुर टेलीफोन प्रणाली से सेवा प्रदान की जा रही है और जब तक वे इस प्रणाली के किसी भी एक्सचेंज से 5 किलोमीटर के घेरे में रहते हैं और उनसे जुड़े रहते हैं तब तक वे स्थानीय शुल्क का भुगतान करते रहेंगे।

[सं. 3-2/88-पीएचबी]

प्रवीण कुमार, निदेशक फोन (ई)

MINISTRY OF COMMUNICATIONS

(Telecommunications Board)

New Delhi, the 15th February, 1989

S.O. 484.—Whereas a public notice for revising the local area of Bhagalpur Telephone Exchange System was published as required by rule 434 (III) (2c) of the Indian Telegraph Rules 1951 in the Newspaper in circulation at Bhagalpur, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 5-12-1988 in 'Aaj' and 'The Times of India' and on 6-12-1988 in 'Hindustan' newspapers;

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the powers conferred by rule 434 (III) (2c) of the said Rules, the Director General Telecommunications hereby declares that with effect from 1-3-89 the revised local area of Bhagalpur Telephone System shall be as under :

Bhagalpur Telephone Exchange System :—The local area of Bhagalpur Telephone System shall cover an area under the jurisdiction of Bhagalpur Municipality; provided that the telephone subscribers located outside Bhagalpur Municipal limits but who are served from Bhagalpur Telephone System will continue to pay local tariffs as long as they are located

within 5kms of any exchange of this system and remain connected to it.

[No. 3-2/88-PHB]

PRADEEP KUMAR, Director Phones (E)

दूरसंचार विभाग

नई दिल्ली 15 फरवरी, 1989

का. आ. 485.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा 1(क) के अनुसार, महानिदेशक, दूरसंचार विभाग ने हरियाणा दूरसंचार सफिल के निगुडाना टेलीफोन केन्द्र कट्टिपारा और पुल्लोरमपारा टेलीफोन केन्द्र; नागालैण्ड दूरसंचार जिला के मोकोक्चुंग और डिमा दूरसंचार सफिल के खुरदा मेलूर, टेलीफोन केन्द्र, मथिपपुरा, दूरसंचार सफिल के शोलावन्दन और कुतलाम टेलीफोन केन्द्रों तथा उत्तर प्रदेश दूरसंचार सफिल के जायस और लालगंज टेलीफोन केन्द्रों में दिनांक 01-03-1989 से प्रमाणित दर प्रणाली लागू करने का निर्णय किया है।

[संख्या 5-1/89-पी. एच. बी.]

एम. वी. पराशर, सहायक महानिदेशक (पी.एच.बी.)

(Department of Telecommunications)

New Delhi, the 15th February, 1989

S.O. 485.—In pursuance of para 1(a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 1-3-1989 as the date on which the Measured Rate System will be introduced in Tigrana Telephone Exchange under Haryana Telecom Circle; Kattippara and Pulloorampara Telephone Exchanges under Kerala Telecom Circle; Mokokchung Telephone Exchange under Nagaland Telecom District; Khurda Telephone Exchange under Orissa Telecom Circle; Melur, Sholavandan and Kuttalam Telephone Exchanges under Tamil Nadu Telecom Circle; and Jais and Lalganj Telephone Exchange under Uttar Pradesh Telecom Circle.

[No. 5-1/89-PHB]

S. VEFARAGHAVAN, Asstt. Director General (PHB)

नई दिल्ली, 3 मार्च, 1989

का. आ. 486.—स्थायी आदेश संख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा 1 (क) के अनुसार, महानिदेशक, दूरसंचार विभाग ने मथिपपुरा दूरसंचार सफिल के देवाकोट्टे, ओट्टिपारम, मेलूर, के. जी. कण्ठिरै, न. न. कण्ठिरै और अलासुंडी टेलीफोन केन्द्रों, मध्य प्रदेश दूरसंचार सफिल के बीलहू टेलीफोन केन्द्र; ओडिशा दूरसंचार सफिल के आजपुर राउ टेलीफोन केन्द्र; गुजरात दूरसंचार सफिल के मीठापुर टेलीफोन केन्द्र; तथा उत्तर प्रदेश दूरसंचार सफिल के बीसाधार, सोकुल, मोरख, सावाबाद और शोवर्धन टेलीफोन केन्द्रों में दिनांक 16-03-89 से प्रमाणित दर प्रणाली लागू करने का निर्णय किया है।

[संख्या 5-1/89 पी. एच. बी.]

पी. आर. कार्रा, सहायक महानिदेशक (पी.एच.बी.)

New Delhi, the 3rd March, 1989.

S.O. 486.—In pursuance of para 1(a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 16th March, 1989 as the date on which the Measured Rate System will be introduced in Devakottai, Ottapidaram, Madur, K.G. Kandigai, N. N. Kandigai and Alangudi Telephone Exchanges under Tamil Nadu Telecom Circle; Bilha Telephone Exchange under Madhya Pradesh Telecom Circle; Jaipur Road Telephone Exchange under Orissa Telecom Circle; Mithapur Telephone Exchange under Gujarat Telecom Circle; and Bisawar, Gokul, Sonkh, Sadabad and Govardhan Telephone Exchanges under Uttar Pradesh Telecom Circle.

[No. 5-1/89-PHB]

P. R. KARRA, Asstt. Director Genl. (PHB)

श्रम मंत्रालय

नई दिल्ली, 20 फरवरी, 1989

का. आ. 487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुसरण से, केन्द्रीय सरकार यू. पी. स्टेट मिनरल डेवलपमेंट कॉरपोरेशन, लखनऊ के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर को पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-89 का प्राप्ति हुआ था।

MINISTRY OF LABOUR

New Delhi, the 20th February, 1989

S.O. 487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Mineral Development Corporation, Lucknow and their workmen, which was received by the Central Government on the 13th Feb., 1989.

अनुबंध

यमश्री श्री अजुन वेव, पीठासीन अधिकारी
केन्द्रीय सरकार औद्योगिक न्यायाधिकरण एवं
श्रम व्यापारिक, कानपुर उ.प्र.

औद्योगिक विवाद संख्या: 11936/86

विवादित पक्षों के विवरण :-

श्री नन्द लाल

मार्फत श्री रामोदर उवाध्याय,

जनरल सेक्रेटरी,

भारतीय मजदूर संघ, सीमेंट फैक्ट्री

मिर्जापुर. (यू.पी.)

एवम्

अध्यक्ष एवं प्रबंध निदेशक

यू. पी. स्टेट मिनरल डेवलपमेंट कॉरपोरेशन

कानपुर, कामिनिगल कॉम्प्लेक्स,

लखनऊ. (यू.पी.)

पंचाद/पञ्चाद

1. भारत सरकार, श्रम न्यायालय ने अपने पत्रांक सं. एफ-29012/41/85-डी. iii (बी) दिनांक 11-11-86 के द्वारा श्रम न्यायाधिकरण की निम्न अनुसूची को उभयपक्षों के मुक्त के पञ्चाद अपना पंचाद प्रेषित करने हेतु अधिसूचित किया है।

"क्या यू पी, स्टेट मिनरल डेवलपमेंट कारपोरेशन, लखनऊ के प्रबंधन द्वारा उनकी दिल्ली, सोबरा, जिला मिर्जापुर में स्थित निम्नाख्यान में कार्यरत श्री नन्द लाल की 14-2-83 में सेवाएं समाप्त करने की कार्यवाही वैध और न्यायोचित है यदि नहीं तो संबंधित कर्मकार किम अनुत्तरी का हकदार है?"

(2) दिनांक 19-12-88 इस वाद में प्रबंधन की ओर से साक्ष्य एवं शपथपत्र के लिये निश्चित की गई थी, परन्तु उस दिन अर्थात् दिनांक 19-12-88 को पक्षकारों ने मिल कर एक मुनह पत्र वाद में प्रस्तुत करते हुए प्रार्थना न्यायाधिकरण के समक्ष की कि वाद का विस्तारण मुनह पत्र के आधार पर कर दिया जाय। मुनह पत्र दिनांक 19-12-88, के मध्य निम्न प्रकार में है।

(1) यह कि सेवायोजक सहमत है कि संबंधित कर्मचारी श्री नन्द लाल को अर्वाहिन सेवाओं के साथ काम पर वापस लेंगे।

(2) यह कि सेवायोजक सहमत है कि श्री नन्द लाल संबंधित श्रमिक के जूनियर कर्मचारियों को दिसम्बर 1983, में निश्चित कर दिया गया है। अतः सेवायोजक श्री नन्दलाल को दिसम्बर 1983 में नियमित मानने हुए तदनुसार वेतनमान एवम् अन्य सुविधाएं दी जायेंगी।

(3) यह कि श्रमिक पक्ष सहमत है कि वे बेकारी अवधि के पूर्ण वेतन की मांग पर झल नहीं देंगे। संयोजक सहमत है कि वे नन्द लाल की उक्त अनुसार बेकारी अवधि का वेतन 75 प्रतिशत की दर से सुगमन करेंगे।

(4) यह कि उक्त समझौते के उक्त विवाद का पूर्ण एवम् अन्तिम रूप के निपटारा हो जाता है।

अतः पक्षकारों की प्रार्थना को देखते हुए एवम् मुनह पत्रों के तथ्यों को देखते हुए यह निश्चित होता है कि अग्र पक्षकारों के बीच कोई भी विवाद नहीं रह जाता है।

अतः पक्षकारों का वाद उपरोक्त मुनह पत्र के आधार पर निवृत्त किया जाता है।

अर्जुनदेव, पीठासीन अधिकारी

[सं. एफ-29012/41/85-डी 3(बी)]

विवाद में केन्द्रीय सरकार आयोगिक अधिकरण, नं० 1 धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-89 को प्राप्त हुआ था।

S.O. 488.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sokra Graphite Mines of M/s. Kumar Brothers & Co., Daltonganj and their workmen, which was received by the Central Government on the 13th February, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 26 of 1988

PARTIES :

Employers in relation to the management of Sokra Graphite Mines of M/s. Kumar Brothers and Company, Daltonganj.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri Joseph Horo.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Graphite.

Dated, the 24th January, 1989

AWARD

By Order No. -29011(36)/82-D.III.B/III(A), dated, the 19th/20th December, 1983, the Central Government in the Ministry of Labour had, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to the Central Government Industrial Tribunal No. 3, Dhanbad. Subsequently, this dispute has been transferred for adjudication to this Tribunal, vide Ministry of Labour's Order No. S-11025(7)/87-D.IV(B) dated 31-12-87/12-1-1988. The schedule of this dispute runs as follows :

"Whether the action of the management of Sokra Graphite Mines of Messrs Kumar Brothers & Company Daltonganj District Palamau (Pihar) in terminating the services of 455 workmen mentioned in the Annexure from the 17th July, 1982, is justified? If not, to what relief are the workmen entitled?"

ANNEXURE

Sl. Worker's name No.	Father/Husband's name
1. Sudeshwar Singh	Lepat Singh
2. Nand Kishore Singh	Pachu Singh
3. Bishwanath Ram	Gangadeo Ram
4. Peyari Ram	Kal-sar Ram
5. Suresh Singh	Niranjan Singh
6. Doyal Singh	Pachu Singh

का आ 488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सोकरा ग्रेफाइट माईन्स ऑफ मैसर्स कुमार ब्रदर्स एंड कंपनी, डाल्टोंगंज, के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक

Sl. No.	Worker's name	Father/Husband's name	Sl. No.	Worker's name	Father/Husband's name
7.	Dewan Singh	Bhona Singh	70.	Raghunath Singh	Ram Gaya Singh
8.	Balram Singh	Mohar Singh	71.	Rajeshwar Singh	Nirmal Singh
9.	Rajdeo Singh	Mathan Singh	72.	Rajeshwar Ram	Deo Ram
10.	Paragasi Singh	Ramjanam Singh	73.	Lal Bihari Singh	Sawarath Singh
11.	Areshar Singh	Ram Briksh Singh	74.	Bijay Singh	Sawarath Singh
12.	Bilas Ram	Ramjeet Ram	75.	Dalu Singh	Sawarath Singh
13.	Jadi Singh	Jaisri Singh	76.	Rajkumar Ram	Ram Prasad Ram
14.	Jagir Singh	Subedar Singh	77.	Prom Ram	Ram Prasad Ram
15.	Sakendar Ram	Ram Janam Ram	78.	Ram Prasad Singh	Chura Singh
16.	Raghunath Ram	Nanhak Ram	79.	Raghubir Ram	Subraj Ram
17.	Muneshwar Singh	Ram Lal Singh	80.	Kail Ram	Jitan Ram
18.	Sheomangal Singh	Shri Ghura Singh	81.	Parsu Ram Singh	Lakhan Singh
19.	Badan Singh	Mistry Singh	82.	Bigan Ram	Basu Ram
20.	Muneshwar Singh	Jagernath Singh	83.	Bigu Singh	Guman Singh
21.	Prabhu Singh	Deonath Singh	84.	Jitan Ram	Somar Ram
22.	Doobasi Singh	Kishan Chand	85.	Rajeshwar Ram	Somar Ram
23.	Krishna Singh	Ganesh Singh	86.	Audhesh Ram	Somar Ram
24.	Ram Lakhan Singh	Anandi Singh	87.	Peyari Ram	Bangur Ram
25.	Prabhu Singh	Munshi Singh	88.	Nanhu Singh	Bhulath Singh
26.	Ramdeo Singh	Anandi Singh	89.	Ghandan Singh	Pahlu Singh
27.	Kamdeo Singh	Dhakhu Singh	90.	Balkumar Ram	Sharifa Ram
28.	Suyeeta Ram	Lakho Ram	91.	Kameshwar Singh	Kinu Singh
29.	Lakhan Baijha	Bandhu Baktha	92.	Sarju Singh	Pachu Singh
30.	Jagnarayan Singh	Lalman Singh	93.	Ashok Singh	Jimedat Singh
31.	Nanbu Turi	Jagdish Turi	94.	Bishambhar Singh	Lalu Singh
32.	Bhawani Singh	Bigan Singh	95.	Nangru Singh	Mohit Singh
33.	Hari Mistry	Bechu Mistry	96.	Tapeswar Singh	Halkhori Singh
34.	Basant Singh	Rajesh Singh	97.	Dwarika Singh	Jagnarayan Singh
35.	Ram Chander Singh	Jugalkishore Singh	98.	Jay Ram Singh	Bipat Singh
36.	Bishwanath Singh	Doman Singh	99.	Khunu Singh	Bipat Singh
37.	Paragas Ram	Kaleshwar Ram	100.	Inerdeo Singh	Bipat Singh
38.	Ram Naresh Ram	Tapeswar Ram	101.	Israil Mian	Amir Mian
39.	Ram Ghalitar Ram	Rata Ram	102.	Bhulan Mahto	Nathu Mahto
40.	Prem Deo Singh	Ram Janam Singh	103.	Sarhu Mahto	Keshwar Mahto
41.	Dilip Kumar Singh	Ram Janam Singh	104.	Alimuddin	Musan Main
42.	Rajeshwar Singh	Mathan Singh	105.	Taslim Mian	Musan Mian
43.	Jugal Kishore Singh	Mehari Singh	106.	Allaaddin Main	Moti Mian
44.	Lilleshwar Singh	Jagdipa Singh	107.	Prabhu Sao	Bahar Sao
45.	Mohar Singh	Munshi Singh	108.	Prages Mahto	Rupdewan Mahto
46.	Sundar Singh	Munshi Singh	109.	Banarasi Mahto	Krit Mahto
47.	Bishwanath Singh	Ram Lagan	110.	Gulab Mian	Ghasim Mian
48.	Jagdish Ram	Keshwar Ram	111.	Ali Mohd. Mian	Hashim Mian
49.	Ram Mahal Singh	Lakshman Singh	112.	Munif Ansari	Nanhak Mian
50.	Bishwanath Singh	Mathan Singh	113.	Jamir Ahmad	Lal Mohammad
51.	Ram Bilas Singh	Harinath Singh	114.	Ainul Ansari	Sharfuddin Mian
52.	Jawahar Singh	Ram Sagar Singh	115.	Phekan Mistry	Ramnath Mistry
53.	Deo Muni Singh	Banarsi Singh	116.	Nand Kishor Sao	Pirithi Sao
54.	Raj Kumar Singh	Gango Singh	117.	Tribeni Sao	Bigan Sao
55.	Jagdish Singh	Ram Lakshman Singh	118.	Jokhan Mahto	Ratan Mahto
56.	Rajeshwar Singh	Lalji Singh	119.	Bhola Mahto	Ghiraj Mahto
57.	Rajeshwar Singh	Pachu Singh	120.	Nageshwar Mahto	Baleshwar Mahto
58.	Wakil Singh	Deomuni Singh	121.	Gagu Manjhi	Sahadeo Manjhi
59.	Sarju Ram	Dinu Ram	122.	Lakshuman Mahto	Tapeswar Mahto
60.	Chalkar Singh	Samundar Singh	123.	Chalitar Mahto	Tapeswar Mahto
61.	Butal Singh	Rowan Singh	124.	Mahesh Mahto	Tapeswar Mahto
62.	Nageshwar Singh	Nanhu Singh	125.	Giriwar Sao	Hussain Sao
63.	Ram Raj Singh	Mathura Singh	126.	Gobind Sao	Chingi Sao
64.	Bandhu Singh	Jhagru Singh	127.	Kameshar Sao	Nanhu Sao
65.	Balmukund Singh	Ram Gaya Singh	128.	Sudama Sao	Bigan Sao
66.	Deonarayan Singh	Samundar Singh	129.	Sita Ram Sao	Hussen Sao
67.	Bhola Ram	Ganauri Ram	130.	Nami Bhulan	Chatra Pati Bhuaia
68.	Kuneshwar Singh	Ram Briksh Singh	131.	Azim Main	Matbar Main
69.	Laldeo Ram	Ganauri Ram	132.	Razzaque Main	Akhaj Mian

Sl. No.	Worker's name	Father/Husband's name	Sl. No.	Worker's Name	Father/Husband's Name
133.	Salim Ansari	Anwar Mian	194.	Ramesh Sao	Lakhu Sao
134.	Awdesh Manjhi	Narosh Manjhi	195.	Ram Brikash Singh	Chandan Singh
135.	Rahmat Mian	Ali Mohammad Mian	196.	Mohd. Sattar Ansari	Jal Mohammad Mian
136.	Peyari Bhuian	Chaitu Bhuian	197.	Sher Mohammad	Satim Mian
137.	Wazir Mian	Lal Mohammad Mian	198.	Lal Mohammad	Ekam Mian
138.	Kameshwar Singh	Ram Sunor Singh	199.	Mathura Sao	Parsan Sao
139.	Azim Mian	Phekhu Mian	200.	Zakir Hussain	Jas Mohammad Mian
140.	Sharif Mohammad	Akal Mian	201.	Krishna Prasad	Bineshwari Sao
141.	Islam Mian	Mahabir Mian	202.	Allauddin Mian	Jasim Mian
142.	Mushtaque Ansari	Kasim Main	203.	Seraj Ansari	Jasim Mian
143.	Shamim Ansari	Hussaini Mian	204.	Ram Chandra Prasad	Amir Chand Sao
144.	Arjun Yadav	Tiber Yadav	205.	Bikram Singh	Mahabir Singh
145.	Usman Ansari	Mohammad Sharfuddin	206.	Raj Kumar Singh	Giriwar Singh
146.	Gurdayal Bhuian	Ram Kishun Buian	207.	Radha Singh	Jhaul Singh
147.	Tara Singh	Sita Singh	208.	Lal Ji Singh	Jhaul Singh
148.	Hanif Mian	Akhaj Mian	209.	Ram Prasad Singh	Jhaul Singh
149.	Rajeshwar Ram	Ram Chandra Ram	210.	Babu Lal Singh	Jagnarayan Singh
150.	Belas Ram	Keshwar Ram	211.	Lakshman Singh	Jagnarayan Singh
151.	Amrul Hussain	Biphan Mian	212.	Mundrika Singh	Deogan Singh
152.	Lakhu Sao	Lutor Sao	213.	Brij Mohan Singh	Bhajan Singh
153.	Ishwari Mistry	Dika Mistry	214.	Ganesh Singh	Jagnarayan Singh
154.	Nageshwar Mistry	Dika Mistry	215.	Salim Ansari	Aliar Mian
155.	Mohin Ansari	Jasim Mian	216.	Sattar Ansari	Aliar Mian
156.	Deonandan Sao	Lutur Sao	217.	Jalil Mian	Munshi Mian
157.	Mohammad Yusuf Ansari	Imaman Main	218.	Sheonandan Singh	Parmeshwar Singh
158.	Ismail Main	Munshi Mian	219.	Sukeshwar Singh	Surajmal Singh
159.	Mumtaz Main	Khadim Mian	220.	Raj Mani Singh	Charku Singh
160.	Khush Mohd. Mian	Imama Mian	221.	Tapeshwar Singh	Charku Singh
161.	Ram Prasad Sao	Pirithi Sao	222.	Sadhu Sharan Singh	Hira Singh
162.	Jagdish Mahto	Malik Mahto	223.	Kailash Singh	Bigan Singh
163.	Mohd. Idris Ansari	Zahoor Main	224.	Mustafa Ansari	Khadim Mian
164.	Rustam Ansari	Jal Mohammad Mian	225.	Janeshwar Singh	Chalitar Singh
165.	Brijnandan Singh	Jaishri Singh	226.	Jairam Singh	Musan Singh
166.	Dukhi Mahto	Manhu Mahto	227.	Kuleshwar Singh	Jhuna Singh
167.	Muneshar Mahto	Jharo Mahto	228.	Ahmad Ansari	Biphan Mian
168.	Pargash Mahto	Jharo Mahto	229.	Shukul Singh	Beomuni Singh
169.	Charitar Mahto	Jharo Mahto	230.	Paryag Singh	Butal Singh
170.	Ram Kishun Sao	Lachhu Sao	231.	Banarsi Ram	Sonpat Ram
171.	Mahabir Sao	Nanhu Sao	232.	Eliyas Ansari	Bigan Mian
172.	Ram Jee Mahto	Malik Mahto	233.	Zeyauddin Ansari	Musan Mian
173.	Raj Nath Sao	Bishesar Sao	234.	Jagannath Singh	Keshwer Singh
174.	Sohrai Mahto	Jagdeo Mahto	235.	Baja Mahta	Chirain Mahto
175.	Mahmool Mian	Bipat Mian	236.	Tulsi Singh	Keshwar Singh
176.	Ganesh Sao	Mahangu Sao	237.	Bishwanath Mahto	Shorai Mahto
177.	Mahesh Sao	Mahangu Sao	238.	Bajinath Mistry	Bachu Mistry
178.	Ram Kumar Sao	Mahangu Sao	239.	Haribar Singh	Samunder Singh
179.	Arjun Sao	Mullath Sao	240.	Gokkul Mahto	Manik Chand Mahto
180.	Jugeshwar Singh	Jagat Singh	241.	Ram Lakhan Sao	Suraj Sao
181.	Suraj Singh	Dewa Singh	242.	Surendra Prasad	Ram Briksh Sao
182.	Shao Singh	Dewa Singh	243.	Ram Naresh Mahto	Monik Chand Mahto
183.	Rameshar Singh	Rajesh Singh	244.	Hajku Mahto	Tiber Mahto
184.	Lakhtaj Singh	Dowaki Singh	245.	Biju Mahto	M Jik Chand Mahto
185.	Jagdish Singh	Ganesh Singh	246.	Nanku Mian	Sahdul Mian
186.	Sheonath Singh	Ramjanam Singh	247.	Ramdeo Singh	Ramjanam Singh
187.	Sulama Choudhry	Karam Chand Choudhry	248.	Shafique Ansari	Shy Mian
188.	Aditya Prasad	Keshwar Sao	249.	Harihar Mahto	Sohari Mahto
189.	Sohrai Singh	Doman Sao	250.	Ram Doo Singh	L tu Singh
190.	Ram Ayodhya Sao	Moman Sao	251.	Lakhan Sao	Lagan Sao
191.	Binod Sao	Ishwari Sao	252.	Mahendra Nath Ojha	Ayodhya Ojha
192.	Parmod Sao	Ishwari Sao	253.	Shanker Sao	Tulsi Sao
193.	Raja Singh	Subedar Singh	254.	Manu Oraon	Chandra Oraon

Sl. No.	Worker's Name	Father's/Husband's Name	Sl. No.	Worker's Name	Father's/Husband's Name
255.	Rima Uraon	Chandra Oraon	315.	Ram Deo Singh	Sheo Singh
256.	Suresh Uraon	Rajeshwar Uraon	316.	Maheshar Mochi	Husaini Mochi
257.	Jagarnath Uraon	Rajeshwar Uraon	317.	Basudeo Mistry	Jagarnath Mistry
258.	Gyan Bhuian	Jugan Bhuian	318.	Uday Singh	Nanhu Singh
259.	Ram Dhani Uraon	Ram Bilash Uraon	319.	Lalan Singh	Girivar Singh
260.	Sheo Sahu	Sundar Sao	320.	Harihar Singh	Ram Bharat Singh
261.	Peyari Sao	Sundar Sao	321.	Agan Mistri	Jay Ram Mistry
262.	Bishan Sao	Nageshwar Sao	322.	Sukan Singh	Bhagwati Singh
263.	Nandu Singh	Birju Singh	323.	Gopal	Ramdeo Singh
264.	Hirawan Sao	Bhuneswar Sao	324.	Ram Bahadur Singh	Lagi Singh
265.	Ram Nath Uraon	Lakshman Uraon	325.	Ganesh Prajapati	Gugan Mahto
266.	Amir Hussan	Ajayeb Mian	326.	Ramautar Mistri	Tapsi Mistri
267.	Bhuneswar Sao	Dukhan Sao	327.	Jawahar Pd.	Prosad Sao.
268.	Bajinath Uraon	Lakshman Uraon	328.	Budhdeo Bishwokarma	Ram Kripal Vishwakarma
269.	Nandoo Uraon	Lakshman Uraon	329.	Tulsi Singh	Ranbir Singh
270.	Suresh Sao	Tekar Sao	330.	Arjun Singh	Ranbir Singh
271.	Gopal Bhuian	Phcka Bhuian	331.	Hulas Singh	Ganpat Singh
272.	Ramraj Mochi	Jagedeo Mochi	332.	Ganesh Ram	Bhuneswar Ram
273.	Hira Prasad	Prasad Sao	333.	Subas Ram	Ram Kishun Ram
274.	Bishwanath Uraon	Ram Bilas Oraon	334.	Banwari Singh	Doman Singh
275.	Anirudh Manjhi	Harijandeen Manjhi	335.	Sarwan Mochi	Nanku Mochi
276.	Ram Sewak Sao	Nathun Sao	336.	Saryu Singh	Paragas Singh
277.	Dasrath Sao	Chalitaz Sao	337.	Surajdeo Singh	Baja Singh
278.	Abdul Karim Ansari	Subjan Mian	338.	Maharaj Singh	Bhagwan Singh
279.	Sudhu Bhuian	Chaitu Bhuian	339.	Patlkha Singh	Ishwari Singh
280.	Hajari Sao	Nathun Sao	340.	Wakil Singh	Mela Singh
281.	Lalmir Mian	Ali Mohammad	341.	Girja Singh	Badku Singh
282.	Anil Kumar Ojha	Ayodhya Ojha	342.	Krishna Singh	Hitan Singh
283.	Rajendra Choubey	Alkhdeo Choubey	343.	Abhamnu Singh	Mela Singh
284.	Raj Mohammad Mian	Sapat Mian	344.	Rakha Singh	Radha Krishna Singh
285.	Yar Mohammad Mian	Rahmohad Mian	345.	Dinesh Pd. Singh	Lalni Singh
286.	Rafique Mian	Kabir Mian	346.	Rajdeo Singh	Chalitar Singh
287.	Shafique Mian	Kabir Mian	347.	Jawahar Sao	Budhu Sao
288.	Shagesar Singh	Nabalki Singh	348.	Bhola Sao	Budhu Sao
289.	Ram Janam Singh	Gursagar Singh	349.	Ishaque Mian	Jalim Mian
290.	Nanhku Singh	Nabalki Singh	350.	Sahabuddin Mian	Jalim Mian
291.	Yugendra Singh	Mahabir Singh	351.	Balram Singh	Yugeshwar Singh
292.	Kailash Ram	Ratan Ram	352.	Bhola Sao	Yuga Sao
293.	Naresh Ram	Ratan Ram	353.	Bhagwan Sao	Lachu Sao
294.	Kolhar Ram	Lakho Ram	354.	Abbas Mian	Jalim Mian
295.	Shyamdeo Singh	Nir Kewal Singh	355.	Salamat Mian	Qurban Mian
296.	Nanddeo Singh	Bal Gobind Singh	356.	Mahmood Mian	Nabi Bux Mian
297.	Kirpal Singh	Ram Briksh Singh	357.	Mustaqim Ansari	Musan Mian
298.	Kail Singh	Mahabir Singh	358.	Rahamatulla Ansari	Md. Islam Mian
299.	Kameshwar Singh	Deo Chand Singh	359.	Meghu Singh	Banaudhi Singh
300.	Dineshwar Singh	Bhola Singh	360.	Dhaneshwar Mahto	Mangal Mahto
301.	Raj Kumar Singh	Kail Singh	361.	Parmeshwar Singh	Baseudeo Singh
302.	Khakhau Singh	Dhup Sahay Singh	362.	Meghu Singh	Tulsi Singh
303.	Kundan Singh	Nanhu Singh	363.	Chandradeo Singh	Bachu Singh
304.	Baldeo Ram	Ganauri Ram	364.	Dineshwar Singh	Madhu Singh
305.	Khilpat Singh	Hanhu Singh	365.	Sitaram Sao	Lachan Sao
306.	Iner Deo Singh	Raja Singh	366.	Ram Prasad Singh	Sadhu Singh
307.	Nandu Ram	Ram Jatan Ram	367.	Bhadur Sao	Bhudoini Sao
308.	Shivlal Serjan Singh	Gangeswar Singh	368.	Baleshwar Singh	Bachu Singh
309.	Nanhak Singh	Jatan Singh	369.	Raghu Singh	Budhan Singh
310.	Nand Kishore Singh	Surayanath Singh	370.	Aditya Singh	Budhan Singh
311.	Hajari Singh	Gowhar Singh	371.	Chandeshwar Singh	Bachu Singh
312.	Birendra Pd. Singh	Mukhchand Singh	372.	Ishwari Singh	Bhim Singh
313.	Satya Narain Singh	Shyamchandra Singh			
314.	Jogendra Singh	Shyamchandra Singh			

Sl. Worker's Name No.	Father/Husband's Name	Sl. Worker's Name No.	Fathers/Husband's Name
373. Anaarfi Mahto	Saman Mahto	435. Dasrath Prajapati	Maheshar Mahto
374. Sunrasi Mahto	Saman Mahto	436. Shyamdeo Prajapati	Maheshar Mahto
375. Gopal Sao	Amerika Sao	437. Damodar Prajapati	Ram Prit Mahto
376. Mohan Sao	Bhanshwar Sao	438. Giriwar Prajapati	Kail Mahto
377. Yamuna Sao	Locha Sao	439. Basudeo Singh	Sukul Singh
378. Birju Sahu	Rajeshwar Sahu	440. Jama Mian	Meghan Mian
379. Ram Jit Singh	Rakjanam Singh	441. Ram Chandra Turi	Dasrath Turi
380. Kail Singh	Benchu Singh	442. Siddique Mian	Satin Mian
381. Lakhan Sao	Sundar Sao	443. Bineshar Singh	Pachu Singh
382. Bhulat Sao	Lutar Sao	444. Ram Sagar Choudhry	Chandragobind Choudhry
383. Banarsi Sao	Lutar Sao	445. Brij Bihari Choudhry	Sita Ram Choudhry
384. Rahmuni Choudhry	Laxami Choudhry	446. Ramchewar Choudhry	Rupnarayan Choudhry
385. Saroj Kumar Choudhry	Rambriksh Choudhry	447. Rajeshwar Choudhry	Kailash Choudhry
386. Gobardhan Choudhry	Sheogobind Choudhry	448. Satya Narayan	Kamal Choudhry
387. Inderdeo Choudhry	Parbhu Dayal Choudhry	449. Lakshmi Kant Ojha	Lalit Ojha
388. Surendra Choudhry	Parsu Ram Choudhry	450. Phudan Devi	Rajeshwar Oraon
389. Sukhdayal Choudhry	Doorjan Choudhry	451. Raj Karan Choudhry	Tapsi Choudhry
390. Chandeswar Choudhry	Sudarsan Choudhry	452. Noor Mohammad Miya	Mohmed Miya
391. Dedeshwar Choudhry	Amerika Choudhry	453. Sekhjan Miya	Kabir Miya
392. Indernath Choudhry	Bansi Choudhry	454. Syed Ansari	Mustaqik Ansari
393. Dinanath Singh	Ramjanam Singh	455. Birodhan Bhuiyan	Jogsher Buian
394. Suresh Choudhry	Badri Choudhry		
395. Rameshwar Choudhry	Lalmi Choudhry		
396. Gurucharan Choudhry	Kishun Choudhry		
397. Chathu Singh	Halkani Singh		
398. Mohan Gopal Choudhry	Ram Ayodhya Choudhry		
399. Jitan Sao	Ram Prit Sao		
400. Ram Prit Singh	Indodeo Singh		
401. Gyani Singh	Sangali Singh		
402. Hari Mahto	Ramdeo Mahto		
403. Jaisari Sao	Tribeni Sao		
404. Jagesar Sao	Eariman Sao		
405. Dinesar Kr. Choudhry	Kedarnath Choudhry		
406. Bijendra Choudhry	Raghoo Choudhry		
407. Doodmurat Choudhry	Bhuneshwar Choudhry		
408. Parasadi Choudhry	Nanku Choudhry		
409. Shco Narayan Pd.	Bindheyachal Sao		
410. Sharif Mian	Sukar Mian		
411. Prahalad Singh	Balram Singh		
412. Rajendra Sao	Bhagrathi Sao		
413. Bijay Kumar Mahto	Jagu Mahto		
414. Banaudhi Singh	Kail Singh		
415. Chandrika Singh	Lakhan Singh		
416. Sobaran Singh	Bhagwati Singh		
417. Wajir Singh	Ramjit Singh		
418. Deo Kumar Singh	Kailas Singh		
419. Parmeshwar Singh	Basudeo Singh		
420. Jagarnath Singh	Jagdishwar Singh		
421. San kh Nath Singh	Lakhan Singh		
422. Ram Bilas Singh	Ganesh Singh		
423. Mahendra Singh	Ganesh Singh		
424. Jagmohand Sao	Ramautar Sao		
425. Phudan Lohra	Mahadee Lohra		
426. Bhukhi Lohara	Bandhu Lohra		
427. Puran Lohra	Bandhu Lohra		
428. Jamuna Lohra	Bandhu Lohra		
429. Raj Bali Lohra	Lagon Lohra		
430. Kedar Singh	Tulsi Singh		
431. Bandhu Singh	Malik Singh		
432. Jala Ram	Rata Ram		
433. Dhudeshwar Ram	Ramchandra Ram		
434. Balo Ram	Rata Ram		

2. The case of the management of Sokra Graphite Mines as appearing from the written statement, details apart, is as follows :

The present reference is based on imaginary claim and so it is not legally maintainable. The term of reference does not contain the names, the parentage, the permanent address and the identifying details of the names of the persons on whose behalf the present reference has been made and, as such the reference is vague and indefinite. The President of the Union styled "Palamau Khan Mazdoor Sangh" has raised this imaginary dispute, this union has no locus standi to raise the present dispute, no workman of the mine is a member of this union and the union has no existence in the establishment. In the course of conciliation proceeding the President of the union gave some names of the workmen who were supposed to have been removed from their services with effect from 17-7-1982. The management on examining the statutory records, such as, Form 'B' or Form 'C' observed the names so given are fictitious. There existed no employer and employee relationship between the management on the one hand and the claimant of the present case on the other. The management did not terminate the services of any workman with effect from 17-7-82 as alleged. At no time any demand was made by the claimants with the management alleging termination of their services. The mine works in one shift for eight hours only and it employs about 30 to 50 workmen on average per day. The work of the mine is carried on intermittently and falls within the category of seasonal mine. Since the mine is of seasonal character, it is being worked by floating labourers and agriculturists of the surrounding villages and these workmen leave their employer as soon as agriculture period begins. In the circumstances the management has prayed that the instant reference be answered in its favour.

3. The case of the sponsoring union styled "Palamu Khan Mazdoor Sangh" as appearing from the written statement, shorn of unnecessary details, is as follows :

At the instance of the sponsoring union the appropriate Government was pleased to forward the name of 455 workmen involved in the present dispute along with the names of their fathers. The union is registered one and has been functioning in Sokra Mines as well as in other mines belonging to others. The services of all the 455 workmen were terminated with effect from 17-7-1982 without any notice and cause. The union raised industrial dispute in respect of illegal, wrongful and mala fide termination of service before the A.L.C. (C), Ranchi. The A.L.C. (C) held a Camp Court

at Eastonganj on 18-9-1982 when all the 455 workmen presented themselves and gave their statements before A.L.C. (C) in presence of the management's representatives, the A.L.C. (C), Ranchi thoroughly enquired into matter and sent failure report of conciliation to the Government of India. The mine is situated in thick forest with no approachable road. The owners taking advantage of this communication difficulties do not maintain properly all statutory registers under different regulations and rules. The management of the mine have not issued any letter of appointment to its workmen nor have they issued wage slips to the workmen who worked for the mine. Taking advantage of the fact that statutory registers are not maintained properly the management of the mine has denied the employer-employee relationship. M/s. Kumar Brothers and Co. are the owner of this mine and it has been played that since the services of the concerned workmen have been terminated wrongfully and illegally, they should be reinstated in service with full back wages.

4. In rejoinder to the written statement of the sponsoring union the management has reiterated that the sponsoring union has no existence in the mine and since the services of the workmen were not terminated from 1-7-1982 no letter of termination was issued to any of the workmen. It has been asserted that there existed road-ways for communication with the mine and that all statutory registers are properly maintained.

5. In rejoinder to the written statement of the management the sponsoring union has asserted that the present reference is perfectly maintainable. The union has further stated that services of the concerned workman were not only terminated without prior notice or information or cause, but they were driven out of the mine area at the point of gun. The matter was reported to the local police who inspected the spot with armed forces and a case U/S. 307 I.P.C. was instituted by the local authorities against the management. This action was taken by the local police as two workmen S/Sri Dineshwar Singh and Charitra Singh got bullet gun injury and were taken to the police station and from there to the hospital for treatment. It has been asserted that the union has been existing in the mine and the concerned workmen were members of the union. It has been asserted that electricity is available in the mine and work is carried on in three shifts of 8 hours each. It is not a seasonal mine.

6. The management, in order to justify its action has examined two witnesses, namely, MW-1 Balram Tiwary, Manager, of the mine and MW-2 Pabitra Narayan Singh and laid in evidence a number of documents which have been marked Exts. M-1 to M-5/2. On the other hand, sponsoring union has examined three witnesses, namely, WW-1 Roz Mohammad, WW-2 Dayal Singh and WW-3 Israil Mia and introduced in evidence only one item of document which has been marked Ext. W-1. Besides the records relating to conciliation proceeding before the Asstt. Labour Commissioner (C), Ranchi have been made available for consideration.

7. The contention of the management in the written statement is that the terms of reference is vague and indefinite since the names, parentage, permanent address and identifying details of the persons on whose behalf the present reference has been made are not available. In reply the sponsoring union has stated that the appropriate government did not mention the parentage of the listed workmen, but subsequently it has remedied the same in the order of reference. At the time of hearing Sri Joseph Horo who represented the management did not press the issue of vagueness of the reference on the ground that the names of the listed workmen, their parentage, permanent address and details are not available. As a matter of fact the names of the listed workmen and their fathers' names are available from the order of reference. Besides, before the Conciliation Officer each and every workman listed in the reference made statement and from these the identity of the workers listed in the reference can be unimpeachably established.

8. The next contention of the management is that Pafamau Khan Mazdoor Sangh has no locus standi to raise the present dispute and that no workman of the mine is a member of this union and that the union has no existence in the estab-

lishment. The sponsoring union has denied this contention and asserted that it is very much in existence in Sokra Graphite Mines. This issue with regard to the existence of the sponsoring union in the said mine has not been pressed by Sri Horo at the time of hearing. As a matter of fact records of the conciliation proceeding amply bear out the position that sponsoring union has got existence in the mine in a big way.

9. The next contention of the management is that the mine is seasonal and was manned by floating labourers and agriculturists of the surrounding villages of the Panchayat and the nature of employment of workmen are temporary and casual. The sponsoring union has totally denied the facts of seasonal operation of mine and of nature of employment being temporary and casual. No meaningful evidence has been laid by the management in order to prove this fact. As a matter of fact Sri Horo has not pressed this point at the time of hearing.

10. The management has striven hard to prove the fact that there existed no relationship of employer and employee between the management and the listed workmen. The management has emphatically stated that none of the listed workmen was in its employment as appearing from the rejoinder of the management to the written statement of the sponsoring union.

In order to prove this fact the management has produced Form B registers of 1980, 81 and 82 (marked Exts. M-1 to M-1/2), Bonus Registers of 1980, 81 and 82 (marked Exts. M-2 to M-2/2), Wage Registers of 1980, 81, and 83 (marked Exts. M-3 to M-3/2), Form 'C' Registers of 1980, 81 and 82 (Marked Exts. M-4 to M-4/2) and Form 'E' Registers of 1980, 81 and 82 (marked Exts. M-5 to M-5/2).

MW-1 Balram Tiwary has stated in cross-examination that the officials of the Mines Department inspect mine at times and their signatures do not appear in Form B register, but appear in Wage Register i.e. Ext. M-3 and also in Form 'C' and Form 'E' Registers i.e. Exts. M-4 to M-4/2 and Ext. M-5 to M-5/2 respectively. But the signatures of any official of Mines Department are not available in any of these registers. It appears that the management has relied much upon the Form B Register marked Exts. M-1 to M-1/2 to prove the fact that the workmen listed in the reference are not the workmen of Sokra Graphite Mines. The management is so much emphatic as I have pointed out before, that it has asserted that not a single workman listed in the reference was ever a workman of the mine. But Form 'B' Register of 1980 (Ext. M-1) discloses that names of three workmen listed in the reference, namely, Israil Mia (Sl. No. 101 to the Annexure), Roz Mohammad Mian (Sl. No. 284 of the Annexure to the reference) and Ram Kishun Sao (Sl. No. 170 of the Annexure to the reference) appear in Form 'B' Register in the said register in serial nos. 11, 13 and 15 respectively. Besides, the name of Israil Mia appears in Form 'B' Register for 1982 in Sl. No. 35 (Ext. M-1/2) and Form 'B' for 1981 (Ext. M-1/1) in Sl. No. 70. Thus, it is obvious that even on its own ground i.e. on the basis of Form B Register it can be said that atleast three of the listed workmen of the Sokra Graphite Mine were workmen of the mine and hence the contention of the management that not a single persons listed in the order of reference was a workman of the said mine founders on the ground.

Shri J. P. Singh, learned Advocate for the union, has contended that these Form B Registers are unreliable documents since they have not been maintained serially and with continuity. There is some force in the contention of Shri Singh because generally Form B Registers are maintained serially and with continuity.

11. The management has asserted in its written statement that it employed about 30 or 50 workmen on an average per day. But Form B Registers for the years 1980, 81 and 82 disclose names of as many as 49, 70 and 79 workmen. The A.L.C. (C), Ranchi in his failure of conciliation report has stated that the management produced Form B Registers for the period from January to August, 1982 before him showing

service particulars only in respect of 32 to 35 workmen. But before this Tribunal the management produced Form B register for the period from 1-1-82 to 17-10-82. Thus, it is seen that the management produced before the A.L.C. (C), Ranchi a different register than one produced before this Tribunal. This fact leads one to form impression that the management has been preparing different records for different forums. In the circumstances there is reason to believe that these Form B Registers are not dependable documents at all.

12. Before Conciliation Officer all the workmen listed in the reference presented themselves and stated that they were workmen of the mine. The A.L.C. (C), Ranchi also, upon being satisfied, referred the present dispute to the appropriate Government for adjudication. WW-1 Roz Mohammad Mian, WW-2 Dayal Singh and WW-3 Israel Mia have stated emphatically that they were workers of the mine and that the other workmen listed in the reference were also workers of the mine. WW-1 has stated that all the concerned workmen including himself were workmen either as miner/loader or Pump Khalasi. WW-2 Dayal Singh has given out the name of Attendance Clerk as Mahabir Sao. There is no evidence to disprove this statement of his. WW-3 Israel Mian has stated that he worked as Pump Khalasi and has given the capacity of the pumps operating in the mine. Having regard to their testimony and other evidence on record I come to the conclusion that the listed workmen were workmen of the mine. Shri Joshep Horo has also submitted at the time of argument that the listed workmen used to work in the mine before its closure in 1974 by order of the Director General of Mines Safety. Thus issue as to whether the workmen listed in the reference were workmen of the mine or not is clinched and it is held that they were workers of the mine.

13. The management has made it an issue at the time of hearing that the mine has remained closed since 1974 by the order of Director General of Mines Safety. MW-1 Balram Tiwary has stated that from May or June, 1974 the work in three faces of the mine have been stopped due to case filed by the Director General of Mines Safety, Ranchi. But it is not the case of the management that the mine has remained closed by order of the Director General of Mines Safety. This appears to be a ramification made with a view to forestall the claim of the concerned workman and to justify the action of the management. Since it is not the case of the management that the mine remained closed since May/June, 1974 by order of the Director General of Mines Safety, it is not necessary to decide this issue. Besides no document worth the name has been filed by the management to prove the fact that the mine remained closed by the order of the Director General of Mines Safety. The report of the A.L.C. (C) highlights the fact that the mine was never closed since 1974.

14. It is the case of the sponsoring union that the management has abruptly terminated the service of the concerned workmen with effect from 17-7-1982 by refusing the workmen to join their duty. The report of the Conciliation Officer bears out the position that the workmen of the mine were not allowed to work with effect from 17-7-82. The witnesses for the sponsoring union have stated that the union raised demand with the management for payment of back wages and that this led to the quarrel between the management and labourers and management resorted to firing upon the workmen. The report of the A.L.C. (C), Ranchi confirms that there was firing incident. He has stated in his report to the C.L.C. (C), New Delhi on 20-1-83 as follows:

"I made enquiries from the District Mining Officer in presence of D.G. Palamau wherein it was established that the workmen were not allowed to work w.e.f. 17-7-82. On 28-8-82 Mahendra Kumar Singh, Special Officer/Administrator-cum-Mineral Agent of M/s. Kumar Brothers and Co. Daltonganj, stated that work will be resumed shortly and all the workers will be given employment directly as per Section 25h of I.D. Act. As per my information workmen could only be resumed w.e.f. 6-11-82 with 65 workmen. After this date it has come to my knowledge that there had been firing incident at two occasions upto first week of January, 1983. Few

workers from out side have been imported and work is going on in the jungle of Palamau about 20—25 km. from Daltonganj under the control of hired gunmen from different parts of Bihar. At one time Shri G. P. Singh owner of the mines was arrested and kept in police custody for two days. The union President is also scared of to speak anything. But the fact remains that all the old workmen (the number of which has to be established by a court having powers to administer oath) have not been taken in employment after the commencement of the working in the mines which is being done under gun point."

15. I have already held that the workmen listed in the reference were workmen of the mine. Shri Horo has also admitted that they used to work in the mine earlier. It is established that they have not been allowed to work since 17-7-1982. In other words, the services of the workmen listed in the reference have been terminated by the management abruptly. Indeed, the management is not justified in doing so. That being so, the management is under an obligation to reinstate them in service.

16. The workmen listed in the reference are entitled to back wages and in the circumstances of the case I pass award for back wages to be paid to them with effect from the date of the reference i.e. 19th December, 1983.

17. Accordingly, the following award is rendered—the action of the management of Sokra Graphite Mines of M/s. Kumar Brothers and Company, Daltonganj, Dist. Palamau (Bihar) in terminating the services of 455 workmen mentioned in the Annexure from 17-7-1982 is not justified. The management is directed to reinstate them in service within one month from the date of publication of this award. The management is also directed to pay them back wages with effect from 19th December, 1983 till they are reinstated in service.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-29011/36/82-D.III(B)]

क. प्रा. 489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्जन में, केन्द्रीय सरकार सोमेट कार्पायेशन प्रांफ इस्ट्या लि. के प्रबंधन से संबंधित विवादों और उक्त कर्मचारियों व बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अविकारण, चंडीगढ़ के पचाट को प्रकाशित करने है, जो केन्द्रीय सरकार को 15-2-89 को प्राप्त हुआ था।

S.O. 489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cement Corporation of India Ltd., and their workmen, which was received by the Central Government on the 15th February, 1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 109/87

PARTIES :

Employers in relation to the management of Cement Corporation of India.

AND

Their workmen.

APPEARANCES.

For the workmen—None.

For the management—Shri H. N. Mehtani.

INDUSTRY: Cement Corporation of India STATE: Haryana.

AWARD

On a dispute raised by workmen of Cement Corporation of India, Charkhi Dadri Cement Unit Central Government has been pleased to make the following reference vide No. L-29011/14/86-D. II, III(B) dated 17th December, 1987 to this Tribunal:

"What should be the work load per man per day for piece rate quarry workers at Rewasa Mines of the Cement Corporation of India Unit at Charkhi Dadri and from what date?"

2. None has put up appearances on behalf of the workman. They were represented on the last date by Shri J. R. Bagla when the proceedings were adjourned from 12th December, 1988 to 16th January, 1989. Reference proceedings are therefore, filed for want of prosecution. Central Government be informed accordingly.

Chandigarh,

Dated : 16-1-89

M. S. NAGRA, Presiding Officer

[No. L-29011/14/86-D. III(B)]

नई दिल्ली, 22 फरवरी, 1989

का. प्रा. 490.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इष्टित एयर लाईन्स के प्रबंधन में संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-2-89 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1989

S.O. 490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Airlines, and their workmen, which was received by the Central Government on the 17th February, 1989.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 13 of 1985

PARTIES:

Employers in relation to the management of Indian Airlines

AND

Their workmen.

APPEARANCES:

On behalf of employers—Mr. R. N. Mazumder, Advocate.

On behalf of workmen—Mr. S. R. Dasgupta, Advocate.

STATE : West Bengal.

INDUSTRY : Airlines.

AWARD

By Order No. L-11011(6)/84-D. II(B) dated 20th April, 1985, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Indian Airlines Corporation, Calcutta, in not calling Shri G. C. Srivastava, for interview, for the post of Office Superintendent, is justified? If not, to what relief is the workman concerned entitled?"

2. The case of the union sponsoring the cause of the workman Shri G. C. Srivastava as made out in their written statement is briefly as follows: Shri G. C. Srivastava a workman of the Indian Airlines Corporation (hereinafter called as the Corporation) was posted at Planning Production Control (P.P.C.), I.A., N.T.A., Dum Dum as Senior Officer Assistant. He was the vice-chairman of the union concerned. The management was not happy with him because of his trade union activities.

3. The workman concerned was entitled under the I.A. Rules to have promotion because of his seniority and efficiency and his next post for promotion was the Office Superintendent. As per the Recruitment and Promotion Rules vacancies for Office Superintendent are filled up by promotion 75 per cent and by direct recruitment 25 per cent. The Corporation issued notification dated 21st January, 1983 as employment notice for the post of Office Superintendent to be recruited from amongst the Office Assistants having minimum 10 years service for the direct recruitment quota of 25 per cent for which there were four vacancies. Mr. Srivastava (workman concerned) submitted application for the said post in pursuance of the aforesaid notification.

4. On 11th February, 1983, the Corporation issued a letter directing the workman concerned alongwith others to appear for written test on 20th February, 1983. The workman concerned appeared at the said written test and passed the same. He was called for interview on 16th March, 1983. On 15th March, 1983, the Corporation postponed the said date of interview stating that the revised date for interview would be intimated to all concerned in due course.

5. The workman concerned tried to ascertain from the office of the Deputy Manager, Personnel Services, the possible date of the interview but to no effect. The workman concerned went on privilege leave from 9th May, 1983 to 20th May, 1983. The Deputy Manager, Personnel Service issued the interview notice dated 10th May, 1983 calling for interview on 18th May, 1983. The said interview notice was however not sent to the workman concerned either at his office or at his residential address which was with the personnel department. The workman concerned again went on leave from 26th May, 1983 to 31st May, 1983 and joined office on 1st June, 1983. The workman concerned could know of the interview of 18th May, 1983 then and learn that one K. G. Bose, Typist had been promoted to the post of Office Superintendent. The workman concerned then requested the Personnel Service Department to given him another opportunity for interview as the interview notice was not served upon him. But his request and representation ended in failure. His union then took-up the case and approached the conciliation machinery. The failure report of the Conciliation Officer resulted in the present reference.

6. The case as made out by the Corporation in their written statement is briefly as follows: According to the Corporation the Office Assistants/Typists (senior cadre) are the feeder posts to the post of Office Superintendent by promotion as well as by direct recruitment in accordance with the quota as alleged by the workman. In 1983 a notification was issued inviting applications from the eligible candidates of the Corporation for the post of Office Superintendent against direct recruitment quota, 12 candidates appeared for written test and the workman concerned was one of them. 7 candidates including the concerned workman qualified in the written test securing 60 per cent marks and more. Accordingly letters for interview were issued to the said 7 candidates fixing 18th May, 1983 for interview. Only 4 candidates appeared in the interview and 3 others including the concerned workman did not appear for interview on 18-5-1983. The selection board interviewed 4 candidates and found them suitable for appointment as Office Superintendent under direct recruitment quota. Out of 4 persons found suitable by the selection board 3 persons whose names were empanelled were senior to the concerned workman and they were Shri K. G. Bose, Shri D. K. Roy and Shri P. K. Ghatak. As there was only one vacancy Shri K. G. Bose, Serial No. 1 of the panel was promoted to the post of Office Superintendent on 30th May, 1983. The panel remained valid for one year and the same could not be operated any further as no other vacancy arose against the direct recruitment quota for which the

panel was formed. The Corporation has admitted the fact that the concerned workman was first asked to appear for interview on 16th March, 1983 and that as the said date for interview was postponed the next date for interview was fixed on 18th May, 1983. The Corporation however asserts that the interview letters were sent to the respective departments of the concerned candidates for delivery to the candidates concerned and that the workman concerned did not appear for the interview in spite of the knowledge of the date of the interview.

7. The Corporation has further contended that the Corporation was not aware that the concerned workman did not appear on 18th May, 1983 for interview. It has been further contended that even if the concerned workman would have appeared in the interview on 18th May, 1983 and would have been found suitable by the selection board, his name in the panel would have been at Serial No. 4 in view of the inter-se-seniority amongst the other eligible candidates who were senior to the concerned workman and who were also found suitable by the selection board. That being so, the workman concerned would have got no chance of being promoted to the said one post of Office Superintendent which was given to Shri K. G. Bose who was admittedly senior to the workman concerned. The Corporation has denied all other allegations of the workman and contended that the workman concerned is not entitled to any relief under the present reference.

8. As per the reference sent to this Tribunal for adjudication the scope of enquiry is very limited. The Tribunal is required to make adjudication as to whether the Corporation did not call the workman concerned for interview on 18th May, 1983 and if so, whether such action of the Corporation is justified and if justified then to what relief the concerned workman entitled.

9. Both parties have adduced evidence, both oral and documentary with reference to their respective written statements. There are some admitted facts in this case. There is no dispute to the fact that as per the Recruitment and Promotion Rules of vacancies of the Office Superintendents are filled-up by promotion 75 per cent and by direct recruitment 25 per cent and that the feeder posts to such posts of Office Superintendent are the Office Assistants/Typist (senior cadre). It is also an undisputed fact that by the notice dated 20/21st January, 1983, the copy of which is Ext. W-2 applications were invited from the candidates for the post of Office Superintendent and that the workman concerned was one of such candidates, Ext. W-3 is the copy of the application of the concerned workman for such promoted post. It appears from the said application as also from the evidence that the concerned workman Mr. Srivastava was in the P.P.C. office, N.T.A., I.A. at Dum Dum when he applied for the post. It is also undisputed fact that 20 candidates covering both categories were called for the written test as per the letter dated 11th February, 1983 Ext. W-4. The concerned workman was one of them. It is also an undisputed fact and Ext. W-5 proves that 17 candidates including the workman concerned and another K. G. Bose, who qualified in the written test were called for interview on 16th March, 1983. There is no dispute to this fact also that the Corporation by their letter dated 15th March, 1983 Ext. W-6 postponed the date of interview by stating that the revised date would be intimated to all concerned in due course.

10. It is also an undisputed fact that the concerned workman went on privilege leave from 9th May, 1983 to 20th May, 1983 and again from 26th May, 1983 to 31st May, 1983. The certificate of leave issued by the Office Superintendent of P.P.C. Department of the Corporation Ext. W-7 proves that the concerned workman went on privilege leave from 9th May, 1983 to 20th May, 1983. The oral evidence of the concerned workman and his application dated 8th June, 1983 Ext. W-9 to the Manager, Personnel Service have proved that the concerned workman went on leave also from 26th May, 1983 to 31st May, 1983. The workman concerned (WW-1) has stated on oath in his evidence that after the postponement of the interview date from 16th March, 1983, he made several enquiries in the Personnel Service Department about the next probable date of the interview, in the month of March, April and earlier part of May,

1983 before he went on leave and that he could not get any hint about the next probable date of the interview. The concerned workman then went on leave from 9th May, 1983. It further appears that the Corporation by their letter dated 10th May, 1983 Ext. M-1/a fixed the date of interview on 18th May, 1983 and sent letters to Deputy Manager, Personnel Service at Dum Dum with request to arrange delivery of the call letters to the concerned staff. The endorsement at the bottom of the said interview letter Ext. M-1/a bears testimony to the same. The endorsements indicate also that the copies of the interview letters were directed to be sent to the staff concerned. But the evidence as given by the Corporation, through MW-1 who was the Assistant Manager, Personnel Service in 1983 and the written statement of the Corporation show that the interview letter dated 10th May, 1983 were not directly sent to the candidates concerned it has already been stated that the workman concerned at the relevant time used to work in the P.P.C., N.T.A., I.A. at Dum Dum. Now let me see whether the Corporation has succeeded in proving that the interview letter was sent to the workman concerned through his department (P.C.C.) and whether the said interview letter reached the hand of the workman concerned when the concerned workman has denied the service of such interview letter upon him.

11. The Corporation has examined only one witness A. Roy (MW-1). He was the Assistant Manager, Personnel Service in 1983. He has stated in his evidence that he has got no personal knowledge whether the interview letter dated 10th May, 1983 was served upon the workman concerned. He has further stated that no paper showing the service of the letter upon the concerned workman was sent to him by the department to which he sent the said letter for service upon the concerned workman. The copy of the interview letter dated 10th May, 1983 Ext. M-1/a shows that the said interview letter was sent to the Deputy Manager, Personnel Service, I.A., Dum Dum for delivery of the interview letters to the concerned staff including the workman concerned. None from the office of the Deputy Manager, Personnel Service, I.A., Dum Dum has come to say that the interview letter was served upon the concerned workman. The evidence of MW-1 only proves that the said interview letter was sent to the Deputy Manager, Personnel Service, Dum Dum, for delivery to the concerned staff including the workman concerned.

12. It may be mentioned here that the union of the workman concerned alongwith their written statement has filed the interview letter dated 10-5-1983. Mr. Majumdar, the Learned Advocate for the Corporation has submitted that this particular fact shows that the concerned workman got the interview letter dated 10-5-1983 in his possession. It is true that the workman concerned (WW-1) has stated in his evidence that he has annexed the copy of the interview letter dated 10-5-1983 to the written statement under this reference. This evidence of the concerned workman and the annexure i.e. copy of the interview letter dated 10-5-1983 to the written statement of the union do not establish that the said copy of the interview letter was the same interview letter which was meant for the concerned workman. Further, even if it be assumed for the sake of the argument that the said interview letter was the copy of the interview letter meant for the concerned workman, then also the materials in the record do not prove that the said interview letter came in the possession of the concerned workman before 18-5-1983 the date fixed for interview. The concerned workman (WW-1) has specifically stated in his evidence that till before 1st June 1983 when he joined his office after the expiry of his leave he did not know that the interview had already taken place on 18-5-1983, thereby indicating that the concerned workman till that time did not get the possession of the interview letter dated 10-5-1983. It is true that the workman concerned has not stated in his evidence when and from whom he got the copy of the interview letter dated 10-5-1983.

13. It has already been stated that none from the department of the Personnel Service, I.A., Dum Dum to which the copies of the interview letters were sent by the MW-1, Assistant Manager, Personnel Service, Calcutta, for service upon the concerned staff, has come to throw light as to now the interview letters were delivered to the concerned

staff, Mr. Majumder, the Learned Advocate for the Corporation has however submitted that it might be that the department of Personnel Service, I.A. Dum Dum sent to the respective sections or departments of concerned staff for delivery of the interview letters to the workman in question. It is an undisputed fact that the concerned workman used to work in PPC, NTA, I.A. Dum Dum at the relevant time. None from the said department has come to say that the said department received the interview letter meant for the concerned workman and took any step for delivery of the same to the concerned workman. It is also an undisputed fact that the concerned workman was on leave from 9-5-1983 to 20-5-1983, the leave being granted by the PPC department. Such being the position, even if it is assumed for the sake of argument that the interview letter dated 10-5-1983 meant for the concerned workman, was sent by the Personnel Service Department to the PPC Department for delivery to the concerned workman, still in the absence of any evidence from the competent person of the PPC Department, it cannot be held that the interview letter dated 10-5-1983 was attempted to be delivered to the concerned workman. There is nothing in evidence to show that the PPC Department took any step for sending the said interview letter to the residential address of the concerned workman when the PPC Department in which the concerned workman used to work, knew very well that the concerned workman had gone on leave for the period from 9-5-1983 to 20-5-1983. The matter perhaps would have been otherwise if the concerned workman was not granted leave and did not go on leave during the period from 9-5-1983 to 20-5-1983. Be that as it may, consideration of all the materials in the record and in view of the denial on oath by the concerned workman that the interview letter was not received by him and in view of the fact that the Corporation could not lead any evidence to show that it took some effective steps for sending the said interview letter dated 10-5-1983 to the concerned workman, I find that the Corporation did not call the concerned workman for interview on 18-5-1983, although in paper it has been shown that the interview letter dated 10-5-1983 meant for the concerned workman was also issued from the Calcutta Office of the Assistant Manager, Personnel Service.

14. While arriving at the aforesaid finding, I have not lost sight of the fact that the Calcutta Office of the Personnel Service Department of the Corporation no doubt sent the interview letters dated 10-5-1983 meant for the staff concerned including the workman in question to the Deputy Manager Personnel Service, I.A., Dum Dum. But it does not find any acceptable evidence to show that the office of the Deputy Manager Personnel Service, I.A. Dum Dum of the office of PPC NTA, Dum Dum in which the concerned workman used to work took any step for service of the interview letter upon the concerned workman. The complaint of the workman concerned is against the Corporation. So any inaction on the part of the concerned department of the Corporation which had the responsibility for delivery of the interview letter to the concerned workman is the inaction of the Corporation itself. In the circumstances the Corporation was not justified in effectively not calling the concerned workman for interview on 18-5-1983.

15. Now the question comes as to the relief to which the workman concerned is entitled because of the unjustified action of the Corporation. The interview took place in May, 1983. The relevant panel was prepared on the result of the interview and the same was approved in May, 1983. The panel is Ext. M-2. It appears from the panel that the selection was made in consideration of the merit and seniority and the panel of three persons namely (1) Shri K. G. Bose, (2) Shri D. K. Roy and (3) Shri P. K. Ghatak was finally approved by the Regional Director of the Corporation. It has also come to light in evidence that out of the said panel Shri K. G. Bose who was the senior most one was promoted to the post of Office Superintendent against the direct quota and he has been working as such since then. It is also undisputed fact that the aforesaid empanelled three persons were senior to the concerned workman. The evidence has disclosed also that the said panel remained in force for one

year. Such being the position, now the question comes what reasonable relief can be given to the concerned workman at this stage. It is true that the concerned workman in his written statement has claimed for promotion to the post of Office Superintendent but in his evidence he has been cautious to say that his grievance is for not calling him in the interview. I no doubt find that his grievance in that respect is a justified one. Even if the concerned workman would have been effectively called for interview and if he would have attended the said interview, that itself does not mean that the concerned workman would have been successful in the interview itself. So his prayer for getting the promotion as made in the written statement is not at all tenable. At best the concerned workman can get the relief of being called for the interview again on the basis of his result in the written test held in 1983. But in that case also the panel of three persons finally approved in 1983 and given effect to by promoting Shri K. G. Bose to the post of Office Superintendent cannot be and should not be disturbed because the life of that panel has already expired.

16. Above all, the concerned workman has come before the Tribunal for getting proper justice and I feel that some reasonable justice without giving rise to any other complication and disturbance in the administration of the Corporation should be meted out to the concerned workman. Accordingly and regard being had to all the facts and circumstances of the present case, I direct that the Corporation shall call the concerned workman for interview on a date to be fixed immediately after this award by proper service of the interview letter upon the concerned workman and if he comes out successful in the said interview his name should be empanelled for promotion to the post of Office Superintendent against the vacancy of direct quota either existing or future according to the Corporation's recruitment and promotion rules and instructions thereunder without reviving or disturbing the finally approved panel on the basis of which Shri K. G. Bose was promoted to the post of Office Superintendent.

This is my Award.

Dated, Calcutta 9th February, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-11011/6/84/D.II(B)/D.III(B)]

V. K. SHARMA, Desk Officer

जई दिल्ली, 21 फरवरी, 1989

का. आ. 491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार य निम्नवा कोलियरी हाक. जे. के. नगर, जिला बर्द्धमान के प्रबंधन के संबंध विरोधकों और उनके कर्मचारों के बीच, अनुबंध में लिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-89 को प्राप्त हुआ था।

New Delhi, the 21st February, 1989

S.O. 491.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nimcha Collieries, P.O. Jaykay Nagar and their workmen, which was received by the Central Government on the 13th February, 1989.

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 36 of 1983

PARTIES:

Employers in relation to the management of Nimcha Colliery, P.O. Jaykaynagar, Distt. Bardwan.

AND

Their Workmen

Appearances:

On behalf of employers

Mr. R. S. Sharma Advocate,
with Mr. S. K. Sanyal, Personnel Manager.

On behalf of workmen.

None.

STATE: West Bengal

INDUSTRY: Coal

AWARD

By Order No. L-19012(4)/83-D.IV(B) dated 11-5-1983, the Government of India, Ministry of Labour & Rehabilitation, Department of Labour referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Nimcha Colliery, P.O. Jaykaynagar, Distt. Burdwan in terminating the services of Smt. Jamuni Kamin, Wagon Loader, w.e.f. 2-6-77 is justified? If not, to what relief the workman concerned is entitled?"

2. The case as made out by the union sponsoring the cause the workman concerned Smt. Jamuni Kamin in their written statement and rejoinder in brief is as follows: Smt. Jamuni Kamin, the workman concerned was working as a Wagon Loader in Nimcha Colliery since January, 1972. The management abruptly by their letter dated 2-6-1977 terminated the service of the workman concerned with immediate effect on the alleged absence of the workman concerned from duty since April, 1976. The management did not give any opportunity whatsoever to the workman concerned prior to the said termination of service to explain her alleged absence, if any and thereby violated the principle of natural justice and law. The action of the management was arbitrary and illegal. The workman concerned did not leave the colliery of her own accord.

3. The case as made out by the management in their written statement and rejoinder is briefly as follows: The concerned workman joined in the colliery in 1972 as a Casual Wagon Loader and after nationalisation of the colliery she continued to work as the Casual Wagon Loader and she never made a regular and permanent workman. During the period of her service upto March, 1976 she worked for a negligible period in each year. Since April, 1976, the workman concerned absented from duty and no work could be given to her as she was not available when the occasion arose for giving the workman concerned casual work to perform. The workman concerned left the colliery of her own accord. Accordingly the name of the workman concerned was struck-off from the roll of the colliery with effect from 2-6-1977 and she was informed about the same. The management has challenged the dispute involved in the reference on the ground of its being over-stale. The management has made an alternative case also in their rejoinder by saying that the absence of the workman concerned without permission of the management for more than 10 days was a misconduct according to the Standing Orders and for such misconduct the service of the concerned workman might be terminated according to the Standing Orders, and that in such a case the management should be given the opportunity of leading evidence when the domestic enquiry was not held by the management.

4. Neither the union nor the workman concerned nor the Learned Lawyer appeared when the case was called for hearing. The management however was present and ready with witness. The reference is of the year 1983. In the circumstances the case was taken-up for hearing in the absence of the workman and the union. It appears from the record that the union and the workman were not ready with the witnesses and the advocate concerned on the previous occasions also.

5. The management has examined MW-1G. Upadhyay who was the Welfare Officer in the Nimcha Colliery from 1968 and subsequently became the Senior Personnel Officer and Deputy Personnel Manager till he left the said colliery in September, 1984. The management has also produced documentary evidence besides the oral evidence of the said witness.

6. It appears from the evidence of MW-1 Mr. Upadhyay that he knew the concerned workman and he dealt with her case. His evidence shows that the concerned workman was employed as Casual Wagon Loader in 1972 and she was given the work whenever work was available and that she was paid the wages for the days she actually worked. The evidence of MW-1 further shows that the workman concerned was absenting from April, 1976 and that the name was struck-off from the roll with effect from 2-6-1977 by the management's letter of that date Ext. M-1. This MW-1 has further stated in his evidence that the workman concerned as a Casual Wagon Loader did not work for 240 days in any calendar year during her employment under the management. He has further stated that the attendance register concerning the Wagon Loader did not work for 240 days in any calendar the rules of the management. This witness however with reference to the Attendance Bonus Register for the years from 1973 to March, 1976 has stated in his evidence that the concerned workman as Casual Wagon Loader worked for 100 days in 1973 as per the Attendance Bonus Register Ext. M-2, for 113 days in 1974 as per Attendance Bonus Register Ext. M-2/a, for 50 days in 1975 as per Attendance Bonus Register Ext. M-2/b and 11 days in 1976 as per Attendance Bonus Register Ext. M-2/c. The relevant pages of the Attendance Bonus Registers Ext. M-2 to Ext. M-2/c support such evidence of MW-1.

7. In view of what has been stated above, it is clear that the concerned workman did not work for 240 days in any calendar year upto March, 1976 during her employment under the present management and accordingly did not acquire the right to the benefit under section 25F of the Industrial Disputes Act, 1947.

8. From the written statement as filed by the management and the evidence both oral and documentary as given by the management, it appears that the management struck-off the name of the concerned workman from the roll of the colliery with effect from 2-6-1977 as the concerned workman was absenting from duty without any information since April, 1976. In the written statement, the management has taken up the definite plea that the concerned workman left the colliery of her own accord since April, 1976, and that she did not make her available when occasion arose to give her casual work. The management's letter dated 2-6-1977 Ext. M-1 striking off the name of the concerned workman with effect from that date clearly shows that the name of the workman concerned was struck-off from the roll as the absence of the workman without intimation from the colliery since April, 1976 convinced the management that the workman was no longer interested to serve in the colliery. It therefore appears that the workman concerned voluntarily abandoned the employment and the management after formally recognising such abandonment struck-off her name from the roll as per the letter Ext. M-1. Removal of her name from the roster was a mere formality and did not amount to retrenchment even if it be assumed for the sake of argument that the workman concerned acquired the right to continue in service by working for 240 days in any calendar year. The long absence of the workman concerned without any intimation and explanation for the same can be rightly treated as voluntary abandonment of service. The

ported in 1988 Lab I.C. 1282 relied on and in such a case the provisions of section 25F of the Industrial Disputes Act, 1947 have got no scope of their application.

9. In the facts of the case as mentioned above and as proved by the management, the question of giving opportunity to the workman concerned for explaining the reasons for her absence by holding the domestic enquiry does not arise.

10. The management has not pressed for the alternative case as made out in their rejoinder. The materials in the record have convinced me that the concerned workman was the casual Wagon Loader and that she did not work for 240 days in any calendar year during her employment under the management and that she voluntarily abandoned the employment by absenting herself from April, 1976. In the circumstances and in view of the fact that the management has not relied upon the alternative case of misconduct by absence as made out in the rejoinder, I do not find that any domestic enquiry was necessary for striking off the name of the concerned workman from the roster.

11. In view of what has been stated, above the management was not unjustified in striking off the name of the concerned workman from the roster which has been understood by the parties as the termination of the service of the workman concerned and described so in the reference itself. The dispute involved in the reference of 1983 appears to be somewhat overstated as the management took their action in June 1977. The workman concerned is therefore not entitled to any relief under this reference and accordingly I make such award in the absence of the workman or the union.

This is my Award.

Dated, Calcutta, the 3rd February, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012/4/83-D.IV(B)]

R. K. GUPTA, Desk Officer

सई दिनी २२ फरवरी, 1989

का. प्र. 492—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. का कम्पन्स एरिया, नं.-6 के प्रबंधन से संबंध निम्नलिखित और उनके कर्मचारियों के बीच, प्रबंधन में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम नं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-89 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1989

S.O. 492—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad (No. 1) as shown in the Annexure in the industrial dispute between the employers in relation to the Kusunda Area No. VI of Messrs. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 14th February, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 6 of 1985

PARTIES :

Employers in relation to the management of Kusunda Area No. VI of M/s. B.C.C. Ltd. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri G. Prasad, Advocate.

For the Workmen—Shri B. K. Ghose, Member, Executive Committee.

STATE : Bihar

INDUSTRY : Coal

Dated, the 27th January, 1989

AWARD

By Order No. L-20012(304)84-D, III(A) dated, the 1st February, 1985, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal with following schedule :

"Whether the demand of Janta Mazdoor Sangh that Shri Suresh Chouhan, Telephone Operator in Kusunda Area No. VI of Messrs Bharat Coking Coal Limited should be placed in Technical and Supervisory Grade-D is justified. If so, to what relief is this workman entitled and from what date ?"

2. The case of Shri Suresh Chouhan, the concerned workman, as appearing from the written statement submitted by the sponsoring union, namely, Janta Mazdoor Sangh, is as follows :

Suresh Chouhan, the concerned workman is a permanent workman of M/s. B.C.C. Ltd. and was originally designated as Telephone Line Man on Category-IV rate of wages. Since he is a Matriculate the union represented for his employment on a suitable job and during discussion at a meeting held between the management and the union on 3-12-82 the management agreed to provide him with the job of Telephone Operator. Accordingly, he was provided with a job of Telephone Operator from 14-12-82. By a notesheet dated 16-12-82 floated by N. Mukherjee the then Dy. Personnel Manager of Kusunda Area it was proposed that the concerned workman might be regularised in Technical and Supervisory Grade 'D' with effect from 14-12-82 as per cadre scheme of the company provided he was working satisfactorily. The above note-sheet was endorsed to the Sr. Administrative Officer of the Area for certification of his satisfactory performance and to the Personnel Manager for the purpose of approval. However, he was regularised as Telephone Operator in Clerical Grade III which is equivalent to Technical and Supervisory Grade 'E' with effect from 2-4-84 by an Office Order dated 2-4-84. Aggrieved by the decision of the management a dispute was raised before the A.I.C.(C), Dhanbad for the due and proper placement of the concerned workman in Technical and Supervisory Grade with effect from 14-12-1982. Subsequent to the order of reference by the Central Government, the management have regularised him in Technical and Supervisory Grade 'D' with effect from 3-6-1985. Even then he has been deprived of his genuine claim for Tech. & Supervisory Grade 'D' with effect from 14-12-82 with consequential and recurring benefits including place in seniority list. In the circumstances, it has been prayed by the union that its demand is justified and that an order be passed for placing him in Technical and Supervisory Grade-D scale of pay with effect from 14-12-1982.

3. The case of the management of M/s. B.C.C. Ltd. as per written statement submitted, is as follows :

The instant reference is not maintainable. Promotion is a function of the management which cannot be claimed as a matter of right. The concerned workman was appointed as a Coal Supplier in Hard Coke Bhatta at Kusunda Colliery; he worked as Fireman and was placed in Category-IV. Since he was a Matriculate his case was considered for working as Line Mistry in the same Category-IV and on the same wages. By an order dated 10-12-82 issued by the then Dy. Personnel Manager, he was allowed to work as Telephone Operator with effect from 14-12-82. His case for giving him a job of Telephone Operator was considered on 3-12-83 at G.M.s' level and it was agreed that his case might be considered for being promoted to work as Telephone Operator in a suitable grade as and when required. As per cadre scheme formulated by M/s. B.C.C. Ltd. for Telephone Operator he was given the job of Telephone Operator in Technical &

Supervisor Grade-E which is more or less equivalent to clerical grade-III with effect from 2-4-1984. The management never agreed to give him Technical and Supervisory Grade D with effect from 14-12-82. In a meeting with the union held on 12-4-83 his case for being considered for promotion to Grade-II after completion of one year service as Telephone Operator was discussed and agreed upon. After completion of one year's service his case was considered at G.M.'s level, but his performance was not found satisfactory and therefore he could not be regularised. His case was again considered at G.M.'s level and it was agreed that D.P.C. would be held to take a trade test, and if his performance was found satisfactory he would be regularised as Telephone Operator in Technical and Supervisory Grade-E. Accordingly, D.P.C. was held and his performance was found satisfactory. The G. M. agreed with the findings of D.P.C. and approved of his regularisation as Telephone Operator Grade-E. Accordingly, he was regularised as Telephone Operator in Technical Grade E with effect from 2-4-84. The management has submitted that there is no merit in the demand of sponsoring union and the case is to be rejected.

4. In rejoinder to the written statement of the management the union has submitted that the written statement submitted by the management discloses lack of appreciation of demand made on behalf of the workmen. Its demand is not for promotion but for placement in proper grade as per Cadre Scheme of Telephone Operator. The clear commitment of the management was that the concerned workman would be provided with job of Telephone Operator and that decision having been implemented from 14-12-82 he is entitled to be placed in Technical and Supervisory Grade-D as per Cadre Scheme with effect from 14-12-82.

5. In its rejoinder to the written statement of the sponsoring union the management reiterated that the concerned workman was earlier a Coal Supplier and was placed in Cat. IV as a Fireman and later on as Line Mistry and not Telephone Line Mistry. He had no practical experience and training as Telephone Operator for being placed in Grade-D with effect from 14-12-82.

6. The sponsoring union, in order to support its demand has examined the concerned workman and laid in evidence three items of documents which have been marked Exts. W-1 to W-3. On the other hand, the management has not laid any oral evidence, but some documentary evidence which have been marked Exts. M-1 to M-3. Besides, Sri G. Prasad, Advocate, for the management submitted at the time of argument minutes of discussion of the management with the representative of Janta Mazdoor Sangh held on 12-4-83 at area level.

7. The management has asserted that the concerned workman was initially appointed as Coal Supplier. The concerned workman in his testimony has admitted that he was appointed under M/s. B.C.C. Ltd. on 4-11-71 as Basket Supplier. There is no dispute that he was placed as a workman working in Category-IV. The management has asserted that he was employed subsequently as Line Mistry and not as Telephone Line Mistry. On the other hand, the sponsoring union has asserted that he was engaged as Telephone Line Man by the management. The concerned workman has asserted that he was engaged as Telephone Lineman. This is borne out from the minutes of discussion held between the management and the representative of Janta Mazdoor Sangh on 3-12-82 wherein he has been described as Telephone Lineman.

The management has asserted that the concerned workman had no previous experience as Telephone Operator. The concerned workman has asserted in his testimony that he underwent training as Telephone Operator. But there is no documentary evidence to support this fact. However, it is an undeniable fact that the management agreed to provide him with the job of Telephone Operator since he is a Matriculate. The minute of discussion held between the management and the representative of Janta Mazdoor Sangh on 3-12-82 discloses that the concerned workman, working as Telephone Lineman, is a Matriculate and the demand of the union was that he may be given opportunity to work as Clerk as per his educational qualification. But both the union and the management came to a decision that he would be

provided with job of Telephone Operator (Ext. W-3). It appears from the note-sheet dated 17-2-84 that he was allowed to work as Telephone Operator from 14-12-82 (Ext. M-2). This indicates that immediately after the union-management meeting dated 3-12-82 he was allowed to work as Telephone Operator. By note dated 19-2-84 his case was recommended for regularisation as Telephone Operator as agreed in the meeting (Ext. M-2) and for that purpose to hold D.P.C. But the General Manager was not satisfied with his performance and held that his performance should be watched for six months. This note was made in or about February, 1984. Again the General Manager reconsidered the matter and called upon D.P.C. to judge his performance and submit report regarding his suitability by his note dated 2-3-1984. Accordingly the meeting of D.P.C. was held and the concerned workman was recommended for regularisation as Telephone Operator Grade-III (Ext. M-3). After that General Manager approved of the recommendation of the D.P.C. by his note dated 2-4-84. By Office Order dated 2-4-84 the concerned workman was regularised as Telephone Operator in Clerical Grade-III which admittedly corresponds to Technical and Supervisory Grade-E with immediate effect.

8. M/s. B.C.C. Ltd. by Order dated 8-9-12-82 formulated Cadre Scheme for Telephone Operator. The scheme envisages 4 tier system, namely, Jr. Telephone Operator-Technical Grade 'E', Telephone Operator—Tech. Gr. 'D', Sr. Telephone Operator—Tech. Grade 'C' and Head Telephone Operator/Supervisor—Grade 'B'—all required to be Matriculates as minimum educational qualification (Ext. W-1). Since there is no evidence that the concerned workman had earlier experience as Telephone Operator I think that the management was justified in regularising him as Telephone Operator with effect from 2-4-82.

9. Written Statement of the sponsoring union asserts that by a notesheet dated 16-12-82 it was proposed by the management to regularise him in Technical and Supervisory Grade-D with effect from 14-12-82 as per Cadre Scheme of the company provided he had been working satisfactorily. This notesheet has not been produced by the sponsoring union. I have already stated that the General Manager considered his performance to be unsatisfactory. Besides, there is no cogent evidence that he had earlier experience as Telephone Operator. Hence, the claim of the sponsoring union for regularisation of the concerned workman in Technical & Supervisory Grade-D with effect from 14-12-82 is not sustainable.

10. Shri G. Prasad has placed on record the minute of discussion between the management and the representative of the sponsoring union held on 12-4-83. This minute of discussion envisages that a decision was taken in the meeting that the concerned workman would be promoted after completion of one year as Telephone Operator. I have already stated that the concerned workman was regularised as Telephone Operator with effect from 2-4-84. That being so, he should have been promoted in Technical Grade-D as per Cadre Scheme formulated by the management with effect from 2-4-1985. Instead of doing so, the management regularised him as Telephone Operator in Technical Grade-D with effect from 2-3-85. In my view the management went back on the agreement as reached in the meeting between the management and the union held on 12-4-83. As per the agreement the concerned workman should have been promoted/regularised in Technical Grade-D with effect from 2-4-85. To this extent the action of the management is not justified.

11. Accordingly, the following award is rendered—the demand of Janta Mazdoor Sangh that Suresh Chouhan, Telephone Operator in Kusunda Area No. VI of M/s. B.C.C. Ltd. should be placed in Technical and Supervisory Grade-D is justified only from the period from 2-4-85. The management is directed to place him in Technical and Supervisory Grade-D as per Cadre Scheme of the Telephone Operator with effect from 2-4-1985. The management is further directed to pay him difference in wages and give him seniority in service with effect from 2-4-1985.

In the circumstances of the case I award no cost.

S. K. MITRA, Presiding Officer
[L-20012(304)/84-D. III(A)/IR(Coal-1)]

नई दिल्ली, 24 फरवरी, 1989

का. भा. 493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स, भारत कोकिंग कोल लि. के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद को पत्रों का प्रकाशित करता है, जो केन्द्रीय सरकार का 14-2-1989 का प्राप्त हुआ था।

New Delhi, the 24th February, 1989

S.O. 493.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Messrs Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 14th February, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 3 of 1987

in the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri G. D. Pandey, Joint General Secretary, RCMS.

On behalf of the employers—Shri B. Joshi, Advocate.
STAFF : Bihar INDUSTRY : Coal

Dhanbad, the 30th January, 1989

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/202/86-D.M. (A), dated, the 22nd December, 1986.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of M/s. Bharat Coking Coal Limited at Koyla Bhawan, Koyla Nagar should give promotion to their workman, Shri R. N. Choubey, Engineer Assistant (Civil) in Kusunda Area to Executive Cadre with retrospective effect from the date on which he was alleged to have been superseded by promotion of his juniors is justified? If so to what relief is the said workman entitled?"

The case of the workmen is that the concerned workman Shri R. N. Choubey is a permanent employee working as Engineer Assistant (Civil) in Kusunda Area of M/s. BCCL. He is in Technical/Supervisory Grade-A since 26-9-79. The concerned workman completed 3 years of his service in Technical Grade-E on 25-9-82. As per common coal cadre under which an Engineer Assistant can be promoted to the post of Executive Cadre there should be vacancy in the executive cadre. Out of the total vacancy in the executive cadre 33.3% of the total vacancy is to be filled up from the internal candidates and the rest are to be filled up directly from outside. The management recruited 91 persons directly in the Executive cadre upto 1983. The management appointed 10 persons directly in the executive cadre in 1981, 42 persons in 1982 and 39 persons in 1983. In spite of a clear direction in the Common Coal cadre which is a part of

contract of service of the workmen, the management did not give an opportunity to the concerned workman for his entry in the Executive Cadre when the management had recruited others in the Executive Cadre from outside. The management thus did not appoint the internal candidates for the executive cadres in accordance with the fixed quota reserved for them. The concerned workman protested for illegal and unjustified action of the management. The said matter was discussed with the management and the management realised their mistake and thereafter M/s. BCCL informed the Coal India Ltd. about the said lapse. At last the management held written test and interview of such eligible candidates for their promotion in Executive cadre. As per the seniority list the name of the concerned person, Shri R. N. Choubey is at Sl. No. 15. The concerned person qualified in both written test and interview held by the management. The total number of vacancies to be filled up by the non-executive personnel stood at 45 but the management gave promotion to only 19 non-executive Assistant Engineer (Civil) to the post of Assistant Engineer. The case of the concerned person was not considered although there was vacancy for the post of Asstt. Engineer in the executive cadre. When the management did not concede to the request of the concerned workman an industrial dispute was raised before the ALC(C) where conciliation was held and on failure of the conciliation the present dispute has been referred to this Tribunal for adjudication. As per the Common Coal cadre and the Cadre Scheme the concerned workman is entitled to promotion as Asstt. Engineer (E-2) atleast from the date his juniors were promoted. Although the concerned person is designated as Engineering Assistant the management is taking the work of Asstt. Engineer from the concerned workman since 1982. On the above facts the prayer is that the concerned person should be promoted in Executive Cadre atleast from 5-8-85 when his juniors were up-graded and promoted.

The case of the management is that the concerned person Shri R. N. Choubey, Engineering Asstt. is performing the duties of supervision and is in Supervisory Grade-A. He is drawing wages of more than Rs. 1600 per month. As the concerned person is not a "workman" within the definition of Section 2(s) of the I. D. Act the present reference is not arising out of any industrial dispute and the present reference is outside the jurisdiction of this Tribunal. The concerned person is working as Engineer Assistant in supervisory Grade-A since 26-9-79 and is posted at Kusunda Area of the Company. He completed 3 years of service in Grade-A after 27-9-82 and his case was liable to be considered for promotion by the D.P.C. constituted after 27-9-82. The norm of selection from non-executive cadre to Executive cadre as per the provision of Common Coal cadre 1978 is that the selection should be made on the basis of merit to be judged by the selection test and interview. The selection Committee constituted in 1983 for recommendation of candidates in Grade to Executive grade considered the case of the concerned person and placed him in Sl. No. 21. According to the procedure of filling up vacancies in Executive Cadre 33.3% of total vacancies are to be filled up from non-executive cadre to Executive Cadre provided there are sufficient number of qualified experienced and eligible candidates. Otherwise all the vacancies are to be filled up by direct recruitment. In 1983 a total number of allotted posts for non-Executive in Grade-A for selection to the Executive post was 19. The persons in the list of D.P.C. from Sl. No. 1 to Sl. No. 19 were selected. Out of those 19 persons, 17 persons were placed in Executive Cadre and two were kept pending till the queries were obtained from the vigilance department. As the concerned person was placed at Sl. No. 21 of D.P.C. list, he could not be cleared by the selection committee and was not placed in the Executive Cadre. Total number of executive directly recruited in 1981, 1982 and 1983 were 10, 42 and 37 only. The concerned person was not eligible for consideration in 1981 and 1982 when the selection and recruitment were made he became eligible for consideration after October, 1982. In 1983 direct recruits were 37 in the Executive Cadre and 19 were selected out of the internal eligible candidates. The concerned person was at Sl. No. 21 amongst the list prepared by the DPC and he did not come in 33.3% fixed promotion quota to the post of Executive Cadre. The management had strictly followed the rules and had not deviated in any way from the rules and procedure. It is wrong to suggest that the name of the concerned person is appearing at Sl. No. 15

of the D.P.C. It is not true that the total number of vacancies to be filled up in 1983 was 45. The demand of the Union for the promotion of the concerned person is without any basis and is fit to be rejected.

The points for consideration are (1) whether the concerned person is a workman within the meaning of Section 2(s) of the I. D. Act so as to bestow jurisdiction to this Tribunal and (2) whether the concerned person is entitled to be promoted to the Executive Cadre with retrospective effect from the date on which he was alleged to have been superseded by promotion to his junior.

Point No. 1

Admittedly the concerned person Shri R. N. Choubey is working as Engineer Assistant and is in supervisory Grade-A. Workman is defined in Section 2(s) of the I. D. Act. "Workman means any person employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward where the terms of employment be expressed or implied but it does not include any person who, being employed in a supervisory capacity draws wages exceeding Rs. 1600 per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him functions mainly of a managerial nature. The definition no doubt shows that person doing supervisory work is a workman but if he draws wages exceeding Rs. 1600 or upwards per month he will not be included within the definition of the term "workman". We have therefore to see whether the concerned person is a workman and is drawing wages exceeding Rs. 1600 per month or exercises functions mainly of a managerial nature. The fact whether the concerned person is drawing wages more than Rs. 1600 per month or exercises functions mainly of a managerial nature are question of fact and therefore we have to look into the evidences adduced by the parties in this case.

MW-2 Shri Banarsi Singh is working as Superintending Engineer of Kusunda Area and is incharge of all the civil construction work of the area. He has stated that the concerned person Shri R. N. Choubey worked under him as Engineer Assistant in Kusunda Area. He has stated about the job being performed by the concerned person. He has stated the job of Engineer Asstt. (Civil) is mainly and substantially to supervise all construction work in the field to assist the engineer, to check the bills of the contractors and to submit it to the Engineer. He has further stated that the Engineer Assistant does measurement for the purpose of checking the bill and helps the Engineer in preparing the bill and comparative statement estimate of the works etc. He has stated that the Engineer Assistant do not prepare the drawing and the traces and they are to check work on the basis of the drawing and the specification and they have to ensure that right proportion of the materials have been used in the construction. In the last he has stated that the Engineer Assistant in Grade-A getting more than Rs. 1600 per month and that they are all supervisors. This witness appears to be quite competent as the concerned person was working under him in Kusunda area. He was not cross-examined on behalf of the workmen and as such his statement is unchallenged. WW-1 (is the concerned person Shri R. N. Choubey. He has not stated about the specific duties which were being performed by him as Engineer Assistant in Kusunda area. In cross-examination he has stated that he is in the highest supervisory grade as Engineer Asstt. He has stated that as Engineer Assistant they do supervision of the Civil works and other linked work with the supervision. He has further stated that he is getting basic salary of Rs. 1481 besides D.A. and that his total emolument receipt per month is Rs. 2020 and odd. It is thus clear from the concerned person himself that he is only doing the supervisory work and is getting total emolument of Rs. 2020 per month. In Section 2(s) (iv) the word "wages" is used. Section 2(rr) defines wages to mean all remuneration capable of being expressed in terms of money which would, if the terms of employment, express or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes such allowances (including dearness allowance) as the workman is for the time being entitled besides other payment which is not relevant. The concerned person WW-1 himself stated that he was getting basic salary of Rs. 1481 besides D.A. and that his total emolument received by him is Rs. 2020 per month. Thus

Rs. 2020 per month is the wage of the concerned person. It is clear therefore that the concerned person was getting wages of more than Rs. 1600 per month and he will not be included as a workman as defined under Section 2(s) of the I. D. Act.

Clause IV of Section 2(s) envisaged that a person employed in a supervisory capacity who draws wages exceeding Rs. 1600 per month will not be included as a workman. The second clause is that the person employed in a supervisory capacity who exercises function mainly of managerial nature can also not be included as a workman. I have dealt above with the first part of Section 2(s)(iv) and I have come to the conclusion that as the concerned person was drawing wages of more than 1600 per month he is not a workman. The parties have adduced evidence in respect of the fact whether the concerned person is exercising function mainly of a managerial nature. None of the parties have stated that the concerned person was exercising function mainly of a managerial nature. In the evidence of WW-2 it has been tried to be shown that the duties of Engineer Assistant (Civil) are inspection of site, preparation of drawing/sketch plan, taking measurement at site for preparation of estimate, preparation of comparative statement, preparation of revised estimate, preparation of deviation statement, maintenance of issuing materials and receiving registers etc., preparation of progress report, preparation of bills, conciliation of materials etc. In cross-examination WW-2 has stated that he does the supervision work of Civil work in the colliery. The statement of WW-2 mostly tallies with the job description of Engineer Assistant given by MW-2 except for a few variation of work being done by the Engineer Assistant. The function of Engineer Assistant as stated by WW-2 or MW-2 do not establish that the concerned person in his supervisory capacity was exercising functions mainly of managerial nature.

In view of the discussions made above I hold that the concerned person in the capacity of supervisor was drawing wages exceeding Rs. 1600 per month and as such he is not a workman under Section 2(s) of the I. D. Act. As the concerned person is not a workman within the definition of Section 2(s) of the I. D. Act the present reference is not arising out of any industrial dispute.

Point No. 2

Most of the facts are admitted. The concerned person is admittedly working as Engineer Assistant in Technical and supervisory Grade-A since 26-9-79 and he has completed 2 years of service in Grade-A after 27-9-82 and his case could be considered for promotion by D.P.C. constituted after 27-9-82. It is also admitted that the D.P.C. was constituted in 1983 for considering the case of Engineer Assistant in Technical/Supervisory Grade-A for promotion to the Executive grade and that the concerned person had given his test and interview before the said D.P.C. Although the concerned person WW-1 has stated in his evidence that he does not know if his name is in Sl. No. 21 of the list of D.P.C. it is clear from the D.P.C. minutes Ext. M-3 that the concerned person was placed at Sl. No. 21 in order of merit. MW-1 Shri B. N. Prasad was one of the members of the D.P.C. alongwith others. He has stated that according to the D.P.C. recommendation the name of the concerned person appears in Sl. No. 21. MW-1 further stated that the D.P.C. followed the Common Coal Cadre of Coal India Ltd. in making the recommendation. The relevant portion of the Common Coal Cadre is Ext. M-7 in this case. MW-1 has stated that the Common Coal Cadre has provided for filling up vacancies in Executive cadre out of promotion and direct recruitment. He has stated that the concerned person was of the Engineering discipline and in case of personnel of engineering discipline the executive posts are to be filled up by promotion to the extent of 33.3% and the rest to be filled up by direct recruitment. He has also stated that there is no provision for carrying over the vacancies reserved for the departmental candidates in the next year. He has stated that all the persons whose cases were considered by the D.P.C. were eligible to be considered in 1983 only and that they consider the case in respect of vacancies which has occurred in 1983. He has further stated that the total post in the Executive cadre was 58 in the year 1983 which is mentioned in Ext. M-1. He has also stated that the principle of promotion for supervisory Grade-A to the Executive Cadre

was on the basis of merit only to be determined by the interview and test and that they had followed the said procedure in the D.P.C. In cross-examination he has stated that senior persons were superseded in the D.P.C. because of the consideration of merit. Now it is better to turn to the Common Coal Cadre Ext. M-7 itself. The criteria for promotion from non-executive to executive cadre is stated in Clause 4.10.1 of Common Coal Cadre Ext. M-7. It shows that the quota reserved for department engineering, non-mining is 1/3 of the post to be filled in a financial year. Clause 4.10.1 (b) provided that all promotion from the senior most non-executive grade to the Executive grade to fill in the departmental quota will be on the basis of selection test and interview on the basis of merit. It will thus appear that 1/3 quota of the total posts of Executive Cadre to be filled in a financial year is 1/3 for the departmental promotion from engineering non mining and that the selection has to be made on the basis of test and interview on the basis of merit. Thus the seniority of a person in the Engineer Asstt. in Technical and supervisory Grade-A does not count for the purpose of promotion and his fixation of his seniority in the Executive grade is to be fixed on the basis of merit declared by the D.P.C. of promotion to the Executive Cadre. Ext. W-1 is an office order dated 26/27-9-79 which shows that the concerned person Shri R. N. Choubey was 15th in the seniority list in the post of Engineer Asstt. but the said seniority cannot be counted for placing him in Sl. No. 15 of the list of promotion in the Executive Cadre prepared by the D.P.C. on the basis of test and interview. Ext. M-1 is a notesheet which shows that the D.P.C. recommended 23 Engineer Assistant (Civil) for promotion to the post of Engineer in E-2 grade in which the concerned person was placed in Sl. No. 21 of the said merit list. The note further shows that there were 58 vacancies in the Civil Engineering department and as per Common Coal Cadre 1/3 percent was to be filled up from the departmental candidates and as such 19 vacancies can be filled up from the departmental candidates which is 1/3 of 58. It further shows that the promotions order was issued in respect of Sl. No. 1 to 19 of the said list. Ext. M-2 is the marking of the persons who had appeared before the D.P.C. Ext. M-3 which is the minutes of the D.P.C. for promotion from Engineer Assistant to the post of Engineering Assistant from which it appears that the committee recommended 23 candidates along with the marks obtained by them in the written test. From all these evidence it will appear that the D.P.C. had considered departmental candidates for promotion to the Executive Cadre on the basis of the vacancies occurred in 1983. As the evidence shows that there were 58 vacancies in all to be filled up in the executive cadre it's 1/3 will be 19 and odd and as such the management had appointed 19 persons from the non-executive to the executive on the recommendation of the D.P.C. The concerned person was at Sl. No. 21 of the merit list prepared by the D.P.C. and as the promotion was to be made in respect of only 19 non-executive to the post of executive the concerned person could not be accommodated in those 19. It is also evident that the selection from non-executive to the executive cadre was to be made on the basis of merit and not on the basis of seniority in the non-executive cadre, it is quite possible that the juniors could go ahead in merit and may be selected superseding his seniors as the seniors did not complete in merit with the juniors. In view of the common coal cadre merit was the sole test for promotion to the Executive cadre and as such even if the concerned person had been superseded by his junior there is no help and if the concerned person did not compete in the merit he could not be promoted to the executive cadre on the basis of his seniority in the non-executive cadre.

The workmen's representative has referred to the correspondence which have been marked Ext. M-4 and M-5. Ext. M-4 dated 24-7-85 is a letter to Shri R. A. P. Singh, Director (P) from Shri G. R. Bhandari, General Manager, he has stated that the competent authority has approved the panel of the first 19 employees as recommended by the selection-cum-D.P.C. of BCCL in their meeting held on 21-9-83. It is further stated that according to the provision of common coal cadre only 1/3rd of vacancies in non-Mining Engineering disciplines of Executive-2/Executive-1 grade in a financial year are to be filled up by D.P.C. and as such while effecting promotion of Engineering Assistant (C) as Engineer (C) in E-2 grade from the approved panel may be followed. It was further suggested that since the D.P.C. was held two

years ago the CRs of the concerned employee for the year 1983-84 and 1984-85 should also be examined before the issue of their promotion order so as to ensure that there has been no deterioration in their performance after the D.P.C. in September, 1983. Ext. M-5 is a letter from Shri S. B. Mitra, Dy. Chief Personnel Manager (NEE) to Shri A. P. Sinha, General Manager (Personnel) dated 1-10-86. It shows that out of the 19 Engineer Assistants 17 were immediately promoted after getting vigilance queries but 2 candidates could not be promoted as some cases were pending against them and that since they have been exonerated the remaining 2 have also been promoted. It further states that BCCL had recommended 23 Engineer Assistants for promotion out of which a panel of 19 was approved. He further intimated that the departmental quota i.e. 1/3rd of the vacancy was calculated on the basis of vacancies available as on 21-9-83. It states that there were 85 vacancies so quota for the departmental candidates should have been 28 but the CIL approved the panel of 19 only. It states that since the sanctioned strength of E-1/E-2 in Civil Engineering Department as on 31-1-86 was 89 against which departmental quota should be 29 and the Dy. Chief Personnel Manager requested for advice whether they may promote the remaining candidates of the panel of 23 or whether the said panel had expired and the candidates will have to appear in the next examination. This letter Ext. M-5 only shows that on 31-1-86 there were 89 posts to be filled up in Executive cadre and it does not relate to the figure of vacancy in the Executive Cadre in 1983 when the D.P.C. was held. The D.P.C. had only considered the vacancies which existed in 1983 and as there were 58 vacancies in the Executive cadre in 1983 the departmental Asstt. Engineers had 19 out of the same as their 1/3rd quota and accordingly I think the management had rightly given promotion to 19 persons of the D.P.C. list of 23. It is only after 1983 that more vacancies in the executive cadre have occurred which could not have been taken notice of by the D.P.C. and as such the management could not have promoted more than 19 persons out of the non-executive cadre. In view of the discussion made above I hold that the concerned person cannot be promoted in the Executive cadre with retrospective effect and his case could be considered for promotion in the D.P.C. held after the D.P.C. of 1983.

In the result, I hold that the demand of RCMS that the management of M/s. BCCL at Koyla Bhavan, Koyla Nagar should give promotion to their workman Shri R. N. Choubey, Engineer Asstt. (Civil) in Kusunda Area to Executive cadre with retrospective effect from the date on which he was alleged to have been superseded by promotion of his juniors is not justified and accordingly the concerned workman is not entitled to any relief.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-20012(202)/88-D.III(A)/IR(Coal-D)]

वा. प्रा. 494.-औद्योगिक विवाद अधिनियम, 1947 (1947 क 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोरिंग कोयल लिमिटेड की भट्टीह, कोलियरी के प्रबंधन से संबंधित विवादों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 भट्टाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-1989 को प्राप्त हुआ था।

S.O. 494.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Bhatdee Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 14th February, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the
Industrial Disputes Act, 1947

Reference No. 39 of 1983

PARTIES :

Employers in relation to the management of Bhatdee
Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri G. Prasad, Advocate and Shri
B. N. Prasad, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar
Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 30th January, 1989

AWARD

By Order No. L-20012(410)/82-D.III(A), dated, the 6th
May, 1983, the Central Government in the Ministry of Labour
has, in exercise of the powers conferred by clause (d) of
sub-section (1) of section 10 of the Industrial Disputes Act,
1947, referred the following dispute for adjudication to this
Tribunal :

"Whether the action of the management of Bhatdee Col-
liery of Messrs. Bharat Coking Coal Limited in
paying Rs. 15—40 per day to the workmen listed
in the Annexure below, on their respective designa-
tions as Time-rated, in lieu of Rs. 18—50 was jus-
tified? If not, to what relief are these workmen
entitled?"

ANNEXURE

1. Aalijan Sai
2. Gana Hajra
3. Sona Ram Mahto
4. Sahdev Tailli
5. Jandu Rajwar
6. Panu Tailli
7. Khalu Mahto
8. Mangal Dhova
9. Kashi Tali
10. Hanif Mian
11. Aalvavu Mian
12. Manu Gope
13. Kameshwar Saw
14. Kirti Tali
15. Abhiram Bouri
16. Rasdev Saw
17. Sarfi Mian
18. Gonu Mouchi
19. Murli Bouri
20. Bhagtu Rajwar
21. Rakhal Tali
22. Nepal Rajwar
23. Danu Gope
24. Haru Mouchi

25. B. Aalavadu Miya
26. Panchu Bouri
27. Sarat Mouchi
28. Paltu Mohto
29. Nakul Mahto
30. Vang Kumhar
31. Budhan Singh
32. Dukhan Mian
33. Vishvanath Mahto
34. Nitai Goswami
35. Sujan Bouri
36. Sonu Bouri
37. Bharat Mahto
38. Aashu Rai
39. Jagran Manjhi
40. Tulsi Bouri
41. Haru Rai
42. Hari Gope
43. Shambhu Singh
44. Banmali Tali
45. Aalijan Mian
46. Lusaru Pasi
47. Aaladeon Mian
48. Lachman Mahto
49. Jaynath Mouchi
50. Sumalara Jamar
51. Rakhhari Mahto
52. Puran Tali
53. Bhola Rajwar
54. Aalku Rajwar
55. Surju Rajwar
56. Vasir Mian
57. Basdeo Pasi
58. Kumaro Pasi
59. Jiwan Tali
60. Chutu Tali
61. Khadu Tali

2. The case of the management of Bhatdee Colliery of
M/s. B.C.C. Ltd. as appearing from the written statement
submitted, details apart, is as follows :

The reference is bad in law and not maintainable either
in facts or circumstances, of the case. The respective desig-
nations of the 61 concerned workmen in the reference has
not been disclosed in the terms of reference by the appro-
priate Government and so the reference is bad in law. The
concerned workmen had been performing the job of General
Mazdoor since long and on their regularisation they were
placed in Cat. II. They opted out of their own job for the
time-rated job and accepted payment as such for long with-
out any grievance whatsoever. They never worked as miner/
loader any time on piece-rated basis. The sponsoring union,
namely, Bihar Colliery Kamgar Union, served a strike notice
on 26-7-82 with a charter of demand for mutual settlement
of the grievance, and discussion was held by way of collective
bargaining in the office of the Area General Manager on
16-3-1982 in which Sri B. Mahanty, Secretary of the spon-
soring union, participated and the dispute was mutually settl-
ed and the said dispute cannot be re-agitated. The dispute
relates to illegal deduction of wages and wrongful payment
and in the circumstances the concerned workmen have ade-
quate remedy either under section 15(2) of the Payment of
Wages Act or under section 33C(2) of the Industrial Disputes
Act. In the circumstances the management has prayed that
the instant reference be dismissed.

3. The case of the concerned workmen as appearing from the written statement filed by the sponsoring union, namely, Bihar Colliery Kamgar Union, briefly stated, is as follows :

The concerned workmen were originally appointed as miner/loader in Group VA. They worked as such for long and received their wages prior to their regularisation in time-rated job. They have been working in different time-rated jobs since 1977. They were illegally and arbitrarily regularised as General Mazdoor in Category-II with effect from 20/25-12-79 irrespective of job. The management illegally and arbitrarily and without giving any notice under Sec. 9A of the I.D. Act started paying them wages available to workmen under Category-II. They have been performing the job of higher category than Category-II even today. The management have regularised them as workmen in Category-II time-rated job without protecting their wages. All of them are entitled to protection of pay. The management is legally bound to regularise them in their respective time-rated jobs by protecting their group wages. The action of the management in not protecting their wages while fixing their basic wages after regularisation was illegal, arbitrary, unjustified and against the principle of natural justice, and violation of Sec. 9A of the I.D. Act. They demanded protection of their wages, but without any effect. The action of the management in paying them wages at the rate of Rs. 15.40 per day per head without protecting their group wages i.e. Rs. 18.50 per day is void ab initio. In the circumstances the sponsoring union has prayed that the action of the management be declared illegal, arbitrary and against the principle of natural justice.

4. In rejoinder to the written statement of the sponsoring union the management has stated that the concerned workmen worked as miner/loader and they were entitled to and were paid wages for actually doing the job of miners/loaders till they worked as such. They frequently demanded for their regularisation as time-rated workmen and so they were regularised as time-rated workers. They opted for time-rated job of their own. Since they actually worked on time-rated job they were regularised as such. They were regularised as Category-II General Mazdoors with effect from 20/25th December, 1979 as they had been performing the job of Category-II Mazdoors. They demanded for regularisation in time-rated job and opted as such and therefore, the question of giving notice under Section 9A, of the Industrial Disputes Act does not arise. However, employers are prepared to deploy them again as piece-rated workmen and pay them accordingly. They are not entitled to fall back wages available to workmen under Group VA since the management did not fail to provide them work load of that group. It has been denied by the management that they have been performing the job of higher category than Category-II. The management has also denied that the concerned workmen are being paid Rs. 15.40 per head per day. Wages are paid to each of them during different period along with annual increment ever since they were regularised as time-rated workmen. They have accepted the terms and conditions of Bi-partite settlement dated 15-4-82 which is in operation and has not been terminated.

The sponsoring union has not filed any rejoinder to the written statement of the management.

5. The management has not examined any witness but introduced as documentary evidence the minutes of discussion held on 16-4-82 between the management and the sponsoring union, Bihar Colliery Kamgar Union, which has been marked as Ext. M-1. On the other hand, the sponsoring union has not examined any witness nor has it laid any documentary evidence.

6. Upon pleading it is an undeniable fact that the concerned workmen (61 in number) were initially appointed as piece-rated miners/loaders and the wages of piece-rated miners/loaders in Bhatdee Colliery in group VA i.e. at the rate of Rs. 18.50 per head per day as per N.C.W.A. II were paid to them. It also remains an undeniable fact that the concerned workmen were regularised as General Mazdoor in Category-II on time-rated job with effect from 20/25-12-79. It is also an irrefragable position that the management has been paying them Rs. 15.40 per head per day and not their group wages in Group VA at the rate of Rs. 18.50 per head

per day. This has culminated in the present dispute as reflected in the terms of reference. Now, the crux of the whole controversy boils down as to whether the wages of the concerned workmen in Group VA at the rate of Rs. 18.50 per head per day should be protected or not.

7. The management has taken the plea that the concerned workmen opted out of the piece-rated job as miners/loaders on their own and opted for time-rated job and in response to their demand they were regularised in time-rated job as General Mazdoor in Category-II and as such they are not entitled to get protection of their pay as workmen under Group VA. On the other hand, the contention of the union is that the management has changed the wage structure of the concerned workmen and thereby their service conditions and in such circumstances the workmen are entitled to get protection of their pay. It remains to be seen whether the concerned workmen voluntarily opted out of their piece-rated job as miners/loaders and opted for time-rated job.

8. In order to prove its contention the management has relied upon the settlement/agreement arrived at in a meeting held between the sponsoring union and the management and has produced the minute of discussion of the meeting held on 16-4-82 in response to the charter of demand of the sponsoring union in their strike notice between the management and the sponsoring union. This minute of discussion has been marked as Ext. M-1. Paragraph 8 of minute of discussion spelling out a charter of demand and a decision taken are very much relevant in order to decide and dispose of the present dispute. I glean hereinbelow Para 8 of the minute of discussion :

"Demands	Decision taken.	Action for.
Entitlement of wages and other facilities of Sri Aalijan Sui and 60 other loaders of Bhatdee Colliery without giving any notice U/S 9A of the I.D. Act.	These workmen, who opted for time-rated job were allowed Cat. II wages as accepted by them. In case they are employed in higher categories, they are to be paid the difference of the higher category of wages. In case of their satisfactory performance of duties in higher category of work for a continuous period of one year they are to be regularised as such.	P.M./Sr. P.O. Bhatdee Colliery/ Implementation Committee. Action to be taken within 14 days.

9. From the minute of discussion it is seen that the concerned workmen opted out of the time-rated job and allowed Category-II wages as accepted by them. Hence, the contention of the management that the concerned workmen opted out of the time-rated job and accepted wages under Category-II is supported by evidence. The union could not produce any contra evidence to disprove the evidentiary value of the same.

10. It appears that this minute of discussion was signed by Sri B. Mahanty, Secretary, Bihar Colliery Kamgar Union, Mohuda Unit on behalf of the sponsoring union and Sri M. K. Sengupta, Dy. Personnel Manager on behalf of the management. There is no evidence on record to indicate that none of these persons was not competent to represent and sign on behalf of the employees and employer respectively.

11. Shri D. Mukherjee, authorised representative of the sponsoring union has submitted that this minute of discussion cannot be held to be a settlement since it does not satisfy the requirement of a settlement as envisaged in Sec. 2(p) of the Industrial Disputes Act :

'Settlement' as defined in Sec. 2(p) of the I.D. Act means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between

the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and the conciliation officer.

It appears that the minute of discussion is an agreement between the sponsoring union and the employer. Nevertheless, such agreement has not been sent to the appropriate Government and the Conciliation Officer as required by Sec. 2(p) of the I.D. Act. That being so, the contention of Sri Mukherjee, in my view holds the ground. Even then the position does not improve for Sri Mukherjee. I have already stated that it is an agreement between the employer and the employees, as represented by the sponsoring union. The sponsoring union has accepted the position with its eyes opened that the workmen opted for time-rated job and were allowed Category-II wages which were accepted by them. In such circumstances notice of change in the condition of service as required under Sec. 9A of the I.D. Act, in my view, is not required to be given afresh.

12 It appears from the written statement submitted by the management that the management is agreeable to deploy them again on piece-rated job as miners/loaders in Group VA. If the sponsoring union and the concerned workmen are interested in accepting the position the employer may be approached for the purpose.

13. Accordingly, the following award is rendered:—the action of the management of Bhatdee Colliery of M/s. B.C.C. Ltd. in paying Rs. 15.40 per day to the concerned workmen on their respective designations as Time-rated, in lieu of Rs. 18.50 is justified. The concerned workmen may, however, approach the management for their deployment on piece-rated job as miner/loaders in Group VA and the management is directed to deploy them on such jobs and pay them their group wages accordingly.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. I-20012/410/82-D.III(A)/IR((Coal-I)]

का. शा. 495.—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में, केन्द्रीय सरकार, सैमर्स भारत कोकिंग कोय लिमिटेड की मुद्दिह कोलियरी के प्रबंधन से संबंध नियंत्रकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. २ धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १४-२-७९ को प्राप्त हुआ था।

S.O. 495.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Mudidih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 14th Feb., 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

Reference No. 48 of 1985

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Mudidih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri G. D. Pandey, Joint General Secretary, R.C.M.S.

On behalf of the employers.—Shri G. Prasad, Advocate.
STATE : Bihar.

Dhanbad, the 7th February, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (13)/85-D.III(A) dated, 26th April, 1985.

SCHEDULE

"Whether the action of the management of Mudidih Colliery of M/s. Bharat Coking Coal Limited, Area No. V, P. O. Sijua, District Dhanbad in reducing the grade of Shri Yugal Prasad Singh, Sanitary Inspector from Grade-II to Grade-III with effect from 1-5-1973 and denying him Grade-I from 1-9-83 is justified? If not, to what relief the workman is entitled and from what date?"

In this reference both the parties appeared and filed their respective W. S. documents etc. Thereafter the case proceeded along with its course. Subsequently at the stages of evidence both the parties appeared before me and filed a Joint petition of Compromise. I heard the parties on the said petition of compromise and I do find that the terms contained therein are fair proper and beneficial to both the Parties. Accordingly I accept the same and pass an Award in terms of the compromise which forms part of the Award as annexure.

I. N. SINHA, Presiding Officer.

[No. L-20012/13/85-D.III(A)/IR (Coal-I)]

K. J. DYVA PRASAD, Desk Officer.

ANNEXURE-A

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT TRIBUNAL, No. 2, DHANBAD

Ref : No. 48/85.

PARTIES :

Employers in relation to the management of Mudidih colliery of M/s. Bharat Coking Coal Ltd.

AND

Their workmen.

The joint petition of compromise on behalf of the parties.

Most respectfully sheweth :—

1. That, the Central Government, Ministry of Labour, New Delhi by a Notification No. L-20012(13)/85-D.III(A), dt. 26th August, 1985 has referred the instant industrial dispute for an adjudication u/s 10(1)(d)(2A) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, to this Hon'ble Tribunal.

The Schedule of the reference is reproduced below :—

SCHEDULE

"Whether the action of the management of Mudidih colliery of M/s. Bharat Coking Coal Ltd. Area V, P. O. Sijua, District Dhanbad in reducing the grade of Sri Yugal Pd. Singh, Sanitary Inspector from Grade II to Grade III with effect from 1-5-1973 and denying him Grade I from 1-9-1983 is justified? If not, to what relief the workman is entitled and from what date?"

2. That, Shree Jugal Prasad Singh, who is the workman concerned, was employed in Akashinary colliery as a Munshi which is a non-coking coal mine and has been nationalised w.e.f. 1-5-1973 and was vested in M/s. Bharat Coking Coal Ltd. w.e.f. 1-8-73 Prior to that date the

said colliery was vested in Messrs. Coal Mines Authority which has since been dissolved.

3. That, Sri Jugal Prasad Singh was transferred to Mudidih colliery of Messrs. Bharat Coking Coal Ltd., in the month of October, 1978 as an Attend-Clerk and has been discharging his duties as a Sanitary Inspector in Clerical Grade II since 30-8-83.

4. That, the parties discussed the case outside the Tribunal and have settled the dispute on the following terms and conditions :—

Terms and Conditions

- (i) That, Sri Jugal Prasad Singh, shall be placed in Grade II of the Clerical Grade with effect from 1-5-1973 with notional seniority.
- (ii) That, the workman concerned shall be paid the difference of arrears of wages arising out of the fixation with effect from 1st day of January, 1985 and not for the period between 1-5-73 and 31-12-84.
- (iii) That the settlement is fair and proper and resolves the dispute between the parties.
- (iv) That the workman concerned shall not be entitled to any other benefits and wages whatsoever.
- (v) That, it was also agreed that seven copies of the settlement be filed before the Hon'ble Tribunal and the Tribunal may be requested to pass an award in terms of the settlement.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms of the settlement.

And for this act of kindness the parties shall ever pray.

Representing workmen.

- (1) Sd/- Illegible
- (2) Sd/- Illegible.

(Advocate)

Representing employers.

- (1) Sd/- Illegible
- (2) Sd/- Illegible

नई दिल्ली, 27 फरवरी, 1989

का. जा. 496.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, मिससे भारत कोकिंग कोल लि. की तेलमारी कोलियरी के प्रबंधन से संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-1989 को प्राप्त हुआ था।

New Delhi, the 27th February, 1989

S.O. 496.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Tetulmari Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by Central Government on the 15-2-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 313 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Tetulmari Colliery of Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri G. D. Pandey, Joint General Secretary R.C.M.S.

On behalf of the employers.—Shri G. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 9th February, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(138)/86 D.III(A), dated, the 28th August, 1986.

SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Tetulmari Colliery of Bharat Coking Coal Limited should regularise their workman, Shri Mundrika Kumar Singh, as Attendance Clerk in Clerical Grade-II is justified? If so, to what relief is the said workman entitled?”

In this reference both the parties instead of filing W.S. and documents etc. filed a Joint petition of compromise. I heard the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the joint compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/138-D.III(A)/IR(Coal-1)]

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Ref. No. 31/86

PARTIES :

Employer in relation to the management of Tetulmari Colliery of M/s. B.C.C.L.

AND

Their workmen

The humble joint petition of compromise on behalf of the parties most respectfully sheweth :—

(1) That the Central Government by notification No. L-20012 (138)/86-D.IIIA dt. 29th August' 1986 has referred the Industrial dispute as per schedule noted for an adjudication under Industrial Disputes Act, 1947 to this Hon'ble Tribunal.

SCHEDULE

“Whether the demand of RCMS that the management of Tetulmari Colliery of M/s. BCCL should regularise the workman Sri M. K. Singh as Attendance Clerk in clerical Gr. II is justified? If do, to what relief is the said workman entitled ?

(2) That the parties discussed the dispute out side the court and after going through the fact of the case it was agreed to settle the case out of court on the following terms and condition.

Terms of Settlement

(1) That Sri Mundrika Kumar Singh shall be placed in clerical Gr. III with effect from 1-4-84 with the designation of Transport Munshi and pay fixation will be done accordingly and arrears will be paid w.e.f. 1-1-87 due to fixation of pay in clerical Gr. III.

(2) That the settlement settles all the disputes between the parties and the workman shall have no claim whatsoever.

(3) That the settlement is fair & proper.

(4) That it was also agreed that joint petition of compromise should be filed before the Hon'ble Central Govt. Industrial Tribunal and Hon'ble Tribunal should be requested to pass an Award in terms of settlement.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass Award in terms of settlement and for this act of kindness the parties shall ever pray.

Representing workman

(1) Sd/- Illegible

(2) Sd/- Illegible

Witness

(1) Sd/- Illegible

Representing employer

(1) Sd/- Illegible

(2) Sd/- Illegible

का. अ. 497—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेमसे भारत कोकिंग कोल लि., के लोयाबाद कोक प्लांट के प्रबंधन में संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिग्रहण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-2-1989 को प्राप्त हुआ था।

S.O. 497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the Loyabad Coke Plant of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on 15-2-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 105 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Loyabad Coke Plant of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, the 9th February, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (287)/85-D.-III(A), dated, the 13th February, 1986.

SCHEDULE

“Whether the action of the management of Loyabad Coke Plant of M/s. Bharat Coking Coal Limited, in not promoting Shri Hiralal Dusad as Fitter in

Category-IV with effect from the date on which his juniors were allegedly promoted in 1983 was justified ? If not, to what relief is the workman concerned entitled and from what date ?”

In this case both the parties instead of filing the W.S. and documents filed a Joint petition of compromise setting the dispute. I heard the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Joint petition of compromise which forms part of the Award as Annexure.

Sd/-

I. N. SINHA, Presiding Officer

[No. L-20012/287/85-D.III(A)/IR(Coal-I)]

(2)

K. J. DYVA PRASAD, Desk Officer

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

Ref No. 105/86

PARTIES :

Employers in relation to the management of Loyabad Coke Plant of M/s. Bharat Coking Coal Ltd.

AND

Their workmen

The humble joint petition on behalf of the parties most respectfully sheweth :—

1. That, the Central Govt. by a Notification has referred the Industrial Dispute as per Schedule noted below for an adjudication u/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947 to this Hon'ble Tribunal.

SCHEDULE

“Whether the action of the management of Loyabad Coke Plant of M/s. Bharat Coking Coal Ltd. in not promoting Sri Hiralal Dusad as Fitter in Category IV with effect from the date on which his juniors were allegedly promoted in 1983 was justified ? If not, to what relief is the workman concerned is entitled and from what date ?”

2. That, the parties to the dispute discussed the dispute outside the court and have settled it on the following terms and conditions :—

TERMS AND CONDITIONS

(1) That, it was agreed that Sri Hiralal Dusad will be given notional seniority from the date on which Sri Kapildev Dusad who is junior to Sri Hiralal Dusad was promoted.

(2) It was also agreed that Sri Hiralal Dusad shall not be entitled to any other back wages or other facilities till 31st December, 1986.

(3) That, this settlement shall be effective from 1st January 1987.

(4) That, it was also agreed that seven copies of this settlement shall be filed before the Hon'ble Tribunal and the Hon'ble Tribunal may be requested to pass an award in terms of the settlement.

(5) That, the settlement is fair and proper.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms

of the settlement, and for this act of kindness, the parties shall ever pray.

Representing workmen.

Representing employer

(1) Sd/- Illegible

(1) Sd/- Illegible

(2) Sd/- Illegible

Workmen

Advocate

Sd/- Illegible

नई दिल्ली, 28, फरवरी-1989

का. आ. 498.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैरग आरग कोकिंग कोल लिमिटेड का लोयाबाद कोलियरी के प्रबंधात्मक से संबंधित नियोक्ता और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 14-2-1989 को प्राप्त हुआ था।

New Delhi the 28th, February, 1989

S.O. 498.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the Loyabad Colliery M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 14th February, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 28 of 1984

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Loyabad Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri G. D. Pandey, Joint General Secretary, RCMS Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : coal.

Dhanbad, the 8th February, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(73)/84-D.III(A), dated, the 30th June, 1984.

SCHEDULE

"Whether the action of the management of Loyabad Colliery of Sijua Area of BCCL in paying Category-I wages to Shri Kardhani Beldar w.e.f. 1-6-80 is justified? If not, to what relief is he entitled?"

In this case both the parties appeared and filed their respective written statement documents etc. But subsequently

at the stages of oral evidence, both the parties appeared before me and filed a Joint petition of compromise under signature of both the parties, I heard them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the joint petition of compromise which forms part of the Award as Annexure.

L. N. SINHA, Presiding Officer

[No. L-20012(78)/84-D.III(A)/IR(Coal)-I]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

Ref. No. 28 of 1984

Employers in relation to the management of Loyabad Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workman

The humble joint petition of compromise on behalf of the parties.

Most respectfully sheweth :—

1. That, the Central Government by a Notification No. L-20012(78)/84-D.III(A) dated New Delhi the 30th June 1984 has referred the Industrial dispute as per schedule noted for an adjudication u/s. 10(1)(d) of the Industrial Disputes Act, 1947 hereinafter referred to as the Act, to this Hon'ble Tribunal.

SCHEDULE

"Whether the action of the management of Loyabad Colliery of Sijua Area of BCCL in paying Category-I wages to Sri Kardhani Beldar w.e.f. 1-6-1980 is justified? If not, to what relief is he entitled?"

2. That, the parties discussed the dispute outside the court and have settled the dispute on the following terms and conditions.

Terms and conditions

1. That, it is agreed that the wage protection to Sri Kardhani Beldar will be given.

2. That the basic wages of Sri K. Beldar in Cat. I will be fixed at the appropriate point in the scale of Cat. I after giving him pay protection.

3. That if the pay protection is not maintainable after placing him at the maximum of Cat. I, then his basic may be adjusted in the next higher category but he will not earn any increment. This will be done prospectively.

4. This settles all the disputes between the parties.

5. That, the settlement is fair and proper.

6. That, it was also agreed the seven copies of the settlement be filed before the Hon'ble Tribunal and the Hon'ble Tribunal may be requested to pass an award in terms of the settlement.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms of the settlement.

And for this act of kindness the parties shall ever pray.

Representing Workmen

Representing Employer

(1) Sd/- Illegible

(1) Sd/- Illegible

(2) Sd/- Illegible

Advocate

Sd/- Illegible

नई दिल्ली, 22 फरवरी, 1989

का. मा. 499---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निरीक्षण औद्योगिक विवाद में आयातित अधिनियम, मद्रास के पंचदश की प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 22nd February, 1989

S.O. 499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the Indian Bank and their workmen, which was received by the Central Government on the 14-2-89.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Monday, the 30th day of January, 1989

Industrial Dispute No. 41 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Indian Bank, Dharmapuri.)

BETWEEN

Thiru R. Raghu,
Valasagoundanoor, Puliampatti P.O.,
Krishnagiri Taluk,
Dharmapuri District, Tamil Nadu

AND

The Regional Manager,
Indian Bank, Regional Office,
Dharmapuri-636702

REFERENCE :

Order No. L-12012/237/86-D.II(A), dated 14-4-1987 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 29th day of September, 1988 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N. C. R. Prasad for Thiruvalluvar Row & Reddy and S. Vaidyanathan, Advocates appearing for the workman and of Thiru G. Venkataraman for Thiruvalluvar Aiyar and Dolla and R. Arumugam, Advocates for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the workman and the Management of Indian Bank, Regional Office, Dharmapuri arises out of reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-12012/237/86-D.II(A), dated 14-4-1987 of the Ministry of Labour for adjudication of the following issue :

“Whether the action of the management of Indian Bank in relating to their Pochampalli Branch in terminating the services of Shri R. Raghu, Temporary Sub-staff w.e.f. 31-3-83 and not considering him for further employment while recruiting fresh hand under Section 25-H of the I.D. Act is justified ? If not, to what relief is the concerned workman entitled.

? The Petitioner averments in the claim statement are that the Petitioner applied for appointment as a temporary Sub-staff on 5-10-1981 to the Regional Office, Coimbatore and after getting the Employment Registration card from

the Petitioner on 2-12-1981 advised the Manager of the Pochampalli Branch of the Indian Bank permitting the Branch to engage the Petitioner as a temporary staff and include his name in the panel. The Petitioner was also employed in the Pochampalli Branch as a temporary sub-staff from 30-10-1981 in anticipation of the permission. He worked in the Branch for nearly 101 days exclusive of Sundays as holidays and if they are included he would have completed over 120 days. While so on 6-1-1983, the Regional Office, Coimbatore advised the Manager of Pochampalli Branch to dispense with the services of the Petitioner as his candidature has not been sponsored by the Employment Exchange after 1-4-1981. Based on the direction from the Central Government not to engage any temporary sub-staff unless they were sponsored by local Employment Exchange, the Circular dated 1-4-1981 was very much there when the Petitioner was engaged as a temporary sub-staff from 30-10-1981. In spite of the circular he was continued to serve for two years. Therefore it was not open to them to terminate the services of the Petitioner on that ground. The Petitioner having been removed in the panel of temporary Sub-Staff from 6-1-1983 he had been approaching the Management. In spite of that, nothing has taken place. In fact, the Manager of Pochampalli Branch wrote to the Regional Management on 17-1-1983 stating that the Petitioner had been engaged by the Branch only after getting permission from the Regional Office and that the Petitioner had also registered himself with the Employment Exchange. Then the dispute was raised which ended in failure and hence the reference has been made to this Tribunal. The Petitioner states that the public sector institutions cannot insist on employees coming only through the Employment Exchange for being considered for employment. This condition is applicable only to the Government Departments and not for statutory authorities. Hence the respondent averments that the termination of the service on the ground he had not been sponsored by the Employment Exchange is untenable. The Petitioner had completed over 120 days when holidays and Sundays are included as per the decision of the Supreme Court. After dis-engaging the Petitioner on 6-1-1983 several persons have been recruited freshly which is contrary to Section 25(H) of the Industrial Disputes Act. The Respondent-Bank had terminated the Petitioner on the ground that he had not been sponsored by the Employment Exchange. This ground is no longer valid in view of the judgement of the Supreme Court. The non-employment of the temporary sub-staff from 31-3-1983 is not justified and should be reinstated.

3. The Respondent-Management in its counter statement states that the order of reference is not maintainable since the relief asked for by the Petitioner is to re-panels his name. Further, it is the case of the termination of services of the permanent workman. The Petitioner was engaged in leave vacancies for a period of 101 days and was dis-engaged for the reason of non-sponsorship from Employment Exchange. Hence the question of termination and reinstatement under Section 25-H never arises. The Petitioner was empanelled for being engaged in the leave vacancy of Sub-Staff at Pochampalli Branch. While so the Government in their letter dated 30-9-1978 directed all public sector banks that it is obligatory on the part of establishments that all vacancies arising under Central Government Offices/Establishments irrespective of the nature and duration of the vacancy are not only to be notified but also to be filled through Employment Exchange alone and other permissible sources can be tapped only if employment exchange concerned will issue a non-availability certificate with direction to implement with effect from 1-4-1981. Even after this date, branches continued engagement of temporary staff who had only registration with employment exchange. While so, the Union had discussions with the Management and as per minutes dated 25-11-1985 it was agreed to call for the list of all persons who were initially engaged after 1-4-1981 without being sponsored by Employment Exchange and worked for 120 days as on 31-12-1984 from the respective Zonal offices and draw a final list for retention and continue them in the panel of temporary sub-staff. It was agreed to include even those who were engaged after 1-4-1981 provided they have completed 120 days as on 31-12-1984 in the panel. The Petitioner had worked only for 101 days without sponsorship from employment exchange as per the minutes dated 25-11-1985 with the recognised

Union, the Petitioner was not engaged thereafter and his name was not included in the panel. The Petitioner's contention that he had worked for nearly 2 years during which period he actually worked for 101 days and if Sundays and holidays are also included he had completed well over 120 days is not tenable. The Petitioner was dis-engaged on 6-1-1983 only as per the minutes dated 25-11-1985. The Petitioner since was engaged temporarily and was dis-engaged for the reason that he was not sponsored by the Employment Exchange Section 25-H of the Industrial Disputes Act is not made applicable. The contention of the Petitioner that the Respondent has been estopped from terminating the services on the ground that he has not been sponsored from Employment Exchange is not tenable as it did not confirm to the terms of the Settlement with the Union. It is incorrect to state after 6-1-1983 several persons have been recruited which is contrary to Section 25-H of the Industrial Disputes Act. The Petitioner was never terminated and was only dropped from the panel of temporary staff. Hence an award may be passed rejecting the claim of the Petitioner.

4. The point for consideration is as contained in the reference.

5. By consent Exs. W-1 to W-7 and M-1 to M-6 were marked. No oral evidence was adduced on either side.

6. In this case, certain facts are omitted as can be seen from Exs. W-1 to W-4. It is on the basis of an application put in by the Petitioner that the Regional Office called for the Employment Exchange Card of the Petitioner for the purpose of scrutiny. In connection with the letter of the Poochampalli Branch dated 5-10-1981, the Respondent-Bank under Ex. W-2 permitted the Poochampalli Branch to engage the Petitioner as a temporary sub-staff and include his name in the Branch panel. It is not disputed that the Petitioner was working in the Poochampalli Branch from 30-10-1981 till the date of removal on 6-1-1983. While so, the Petitioner was dis-engaged by the Regional Office of the Bank under Ex. W-3. In that letter, the Poochampalli Branch had been instructed to disengage with the services of the Petitioner who has been engaged on or after 1-4-1981 and whose candidature was not sponsored by the Employment Exchange. At this stage, it is the case of the Petitioner that in spite of that direction under Ex. W-3, the Branch Office addressed a letter under Ex. W-4 stating that the Petitioner was engaged only after getting permission from the Regional Office and therefore to enlighten in this regard. In other words, a clarification had been asked for by the Branch. The Respondent-Bank though does not dispute these facts but only contend by virtue of direction issued to them by the Central Government under Ex. M-1 to disengage the Petitioner. Ex. M-1 is the xerox copy of the letter dated 30-9-1978 issued by the Department of Economic Affairs (Banking Division) to all the Banks including Financial Institutions i.e. obligatory that all vacancies arising out of Central Government Officers or Establishments including statutory organisations, irrespective of the nature and duration of the vacancy are not only to be notified but also to be filled through the Employment Exchange alone and other permissible sources can be tapped only if employment exchange concerned issued a non-availability certificate. In continuation of Ex. M-1 another letter Ex. M-2 dated 23-12-1981 was sent to the Chairman and Managing Director, Indian Bank, Madras bringing to its notice that in spite of Ex. M-1 that some Banks have started following the instructions of Ex. M-1 only after a lapse of two years or so and even some Banks are making recruitment without the medium of employment exchange which is improper and therefore instructions issued under Ex. M-1 should be followed by the Banks without exception and appointment or absorption of persons in the subordinate cadre without referring the vacancies to the employment Exchange must be terminated. Strong reliance is placed on these two documents on the side of the Respondent to show that because of these Central Government instructions which are binding on the Respondent-Bank they had to disengage the Petitioner who was only a temporary employee. Notwithstanding that it is also the contention of the Respondent-Bank that subsequent to the instructions under Exs. M-1 and M-2 and on the representations made by the Union the hardship caused by reason of Ex. M-1 and

M-2 in the absorption of temporary staff, minutes of discussion was held. The minutes of discussion was drafted by the Management and the Employees Union on 25-11-1985. Ex. M-3 is the said minutes of discussion, where in it was agreed to call for the list of all persons who were engaged without sponsored by Employment Exchange and worked for 120 days as on 31-12-1984 from the respective Zonal Offices and draw a final list. It was also agreed to include even those who are engaged after 1-4-1981 provided they have completed 120 days as on 1-12-1984 in the panel. It is further agreed not to make any further addition to the final list so drawn. This document is a trump card for the Respondent. Hence it is vehemently contended that the very reason by the reason of the arrangement entered into between the Management and the Union who is espousing the cause of the workman that it has been agreed to dis-engage the temporary staff who was not sponsored by Employment Exchange and who had not worked for 120 days as on 31-12-1984. This contention as agreed under Ex. M-3 should not be correct since the minutes of discussion only says that employees who have completed 120 days from 1-4-1981 to 31-12-1984 will be included in the panel. As rightly pointed out by the learned counsel for the Petitioner-workman it does not take away any right which vested on the employee which he is entitled to get under the Industrial Disputes Act. Whatever may be, much stress is laid by the Respondent-Management on Ex. M-3. Incidentally, the Respondent had also relied on Exs. M-5 and M-6 the Settlements entered into under Section 12(3) of the Industrial Disputes Act, 1947 between the Management and the Federation of the Indian Bank Employees' Unions, Madras on 1-5-1979 and 18-1-1988 regarding the filling up of vacancies in the Sub-staff cadre. These documents are relied on to show that these settlements are binding on the parties. Similarly Ex. M-3 under which the Settlement has been arrived would also be binding on the Union according to respondent.

7. Firstly, Ex. M3 not being a settlement, it cannot be held that it is actually binding on the workman. Secondly, there is nothing to indicate from Ex. M-6 whether any settlement was arrived at regarding the minutes of discussions held on 25-11-1985. Any way, Ex. M-3 cannot stand in the way of legitimate rights of the Petitioner. At this stage, it is urged by the learned counsel for the Petitioner that it is not open to the Bank to terminate the Petitioner's services on the ground that application had not been sponsored by the Employment Exchange in view of the decision reported in 1987—1-LJ page 545 at 551 (Union of India and others vs. N. Hargopal and others). In that case, the question raised before the Supreme Court was that whether an establishment in the public sector or an establishment in the private sector as defined in the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 may make appointments to posts, to which Act applies to all persons not sponsored by the Employment Exchanges. A further question also arose namely, whether the Act covers Government Establishments also. The Division Bench of Andhra Pradesh High Court held that the Act has no application to Government, establishments, that the Act casts no obligation either on the public sector establishment or on the private sector establishment to make the appointments from among candidates sponsored by the Employment Exchange only and that any insistence that candidates sponsored by the Employment Exchanges alone should be appointed would be contrary to the right guaranteed by Articles 14 and 16 of the Constitution. In the appeal before the Supreme Court, the judgement of the High Court regarding that Act is not applicable to Government Establishments was set aside. The Supreme Court further held that there is no provision in the Act which obliges an employer to make appointment through the agency of the employment exchange. On the other hand, Section 4(4) of the Act makes explicitly clear that the employer is under no obligation to recruit any person through employment exchange to fill in the vacancy merely because the vacancy has been notified under Section 4(1) or Section 4(2) of the Act. The main object in the Act is that an obligation is placed on the employer to notify the vacancies that may arise in their establishment before filling those vacancies. The object of the Act is not to restrict the field of choice in any particular manner but to enlarge the field of choice so that the employer may choose the best and the most efficient and

to provide an opportunity to the worker to have his claim for appointment considered without the worker having to knock at every door for employment. The Supreme Court further reiterated that the Act does not oblige any employer to employ those persons only who have been sponsored by the employment exchanges. The Supreme Court further held that the Government is at perfect liberty to issue instructions to its own departments and organisations provided the instructions cannot bind other bodies which are created by statute and which function under the authority of statute. In the absence of any statutory prescription the statutory authority may however adopt and follow such instructions if it thinks fit. It is thus seen as rightly contended by the learned counsel for the Petitioner that the above decision has clearly held that these instructions, namely, Exs. M-1 and M-2 do not bind them since the Respondent-Bank is created by the statute. On the other hand, the learned counsel for the Respondent-Management pointed out from the same decision, that in the absence of any statutory prescription, the statutory authority adopt and follow such instructions as it may think fit. It may be true, but the Supreme Court has categorically laid down that any direction by the Government in the matter of appointments to the statutory bodies and those instructions are not binding. In this case, the Respondent's Bank at Poochampalli having appointed the Petitioner after obtaining permission of the Regional Office has now terminated the service on the basis of the instructions Exs. M-1 and M-2. This cannot stand for the simple reason that the decision of the Supreme Court is binding on the Bank. It is relevant to note that and is also not disputed that as per Bipartite Settlement Para 20.12 preference should be given to the employees who had already worked. In this connection, Section 25-H of the Industrial Disputes Act, 1947 has also been relied on by the Petitioner. It says:

"Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have reference over other persons."

But the learned counsel for the Respondent would straight away contend that Section 25-H cannot be invoked for the reason that the Petitioner was not retrenched and consequently no preference can be claimed by the Petitioner. The Respondent instead of retrenching or terminating the Petitioner has ingeniously taken a plea that he has been disengaged since he being a temporary sub-staff working in leave vacancies. It only appears to get over the difficulties and the rights which the Petitioner may claim later on, has been thought off to state that he has been disengaged which would in effect amount to termination or removal from service of the Petitioner.

8. It is also contended by the learned counsel for the Respondent that the Petitioner had not completed 120 days as on 31-12-1984 to consider for empanelling in the list as per Ex. M-3, the minutes of discussion. According to the Respondent that he had completed only service of 101 days as per Ex. M-4 which is also not disputed by the Petitioner. But the Petitioner has urged inclusive of holidays and Sundays he would have completed more than 120 days. The argument of the learned counsel for the Respondent is that either way he having not completed 240 days or more of service he cannot invoke the provisions of Industrial Disputes Act in his favour and that he is also not entitled to get any compensation. At this stage, the plea of the Petitioner is that he having been engaged in spite of the Government of India directive under Ex. M-1, it is not open to the Bank to terminate his services on the ground that application has not been sponsored by Employment Exchange. In other words, the Respondent is hit by the principle of estoppel. Reliance was made in AIR 1976 (Supreme Court) Page 376 at 381 (Shri Krishna vs. The Kurukshetra University Kurukshetra) para 7, wherein it has been held that the University authorities having acquiesced in the infirmities which the admission form contained and allowed the appellant to appear in Part I Examination in April 1972 then by force of the University Statute the University had no power

to withdraw the candidature of the appellant. Similarly, reliance was also placed in an unreported decision W.P. No. 6733/82 held by the Hon'ble Justice Ramanujam that is not open to the authorities to terminate the services on the ground that he is not qualified as per rules after having allowed the candidate to take the examination and also having appointed him. The learned counsel for the Respondent contended that the principle of promissory estoppel cannot be invoked against the Bank since the Petitioner has no right to claim employment automatically. Therefore, as rightly pointed out it is a case where for no fault of the Petitioner he has been disengaged on the basis of some instructions issued under Ex. M-1. It has already been seen that instructions contained in Ex. M-1 are not binding on the Bank as per decision of the Supreme Court reported in 1987-I 113 page 545 at 551 (Union of India and others vs. Harjopal and others). Above all, the Respondent cannot get over the principle of estoppel also.

9. The learned counsel for the Respondent raised a contention that the very reference itself is bad since there was no question of termination of the Petitioner as he was only disengaged for a particular date. It is also urged that the reference should have been only regarding whether disengagement of the Petitioner from 31-3-1983 is justified. I am unable to agree with this contention since for all purposes the Petitioner has been removed from service whatever manner it may be called whether disengagement, termination or removal. As observed elsewhere it is only an ingenious plea raised by the Bank for having terminated the services of the Petitioner. It is also relevant to note that the Respondent had not taken into consideration while disengaging the services of the Petitioner, the provisions of Section 25-H of the Industrial Disputes Act which is mandatory. According to this Section, retrenched persons should have been offered re-employment giving preference to other persons. It is not the case of the Respondent that subsequent to the Petitioner's disengagement, no other persons were appointed. For all these reasons, this point is found in favour of the Petitioner-workman.

10. Hence an award is passed directing the Respondent-Bank to reinstate the Petitioner without back wages within one month from the date of publication of this Award. There will be no order as to costs.

Dated, this 30th day of January, 1989.

WITNESS EXAMINED :

For both side : None.

DOCUMENTS MARKED :

For worker :

- Ex. W-1/19-10-81—Regional Office, Coimbatore to Pochampalli Branch to forward the Petitioner-Worker's Employment Registration Card (copy).
- Ex. W-2/2-12-81—Regional Office, Coimbatore to Pochampalli Branch advising to include the Petitioner's name in the Branch Panel for temporary sub-staff (copy).
- Ex. W-3/6-1-82—Regional Office, Coimbatore to Pochampalli Branch instructing to dispense with the Petitioner's services as per H.O. instructions dt. 1-4-81.
- Ex. W-4/17-1-83—Pochampalli Branch to Regional Manager, Indian Bank, Coimbatore seeking clarification regarding—Petitioner's termination (copy).
- Ex. W-5/28-5-86—Conciliation Failure Report (copy).
- Ex. W-6/16-2-87—Petitioner's letter to the Labour thereafter Govt of India (copy).
- Ex. W-7/14-4-87—Order of reference (copy).

FOR OPPOSITE PARTY :

- Ex. M-1/30-9-78—Circular issued by Central Office (copy).

- Ex. M-2/23-12-81—Circular issued by Central Office (copy).
- Ex. M-3/25-11-85—Minutes of discussion and understanding reached with the Union and particulars of No. of days worked.
- Ex. M-4—Statement showing No. of days worked.
- Ex. M-5/10-5-79—Memorandum of settlement u/s. 12(3) of the I.D. Act between the parties.
- Ex. M-6/18-1-88—Memorandum of settlement u/s. 12(3) of the I.D. Act between the parties (copy).

Sd-

K. NATARAJAN, Industrial Tribunal
[No. L-12012/237/86-D.II(A)]

का. आ. 500:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, लक्ष्मी कामशियल बैंक लि. (केनरा बैंक) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-89 को प्राप्त हुआ था।

S.O. 500.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Lakshmi Commercial Bank (Canara Bank) and their workmen, which was received by the Central Government on the 14-2-89.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

I. D. No. 55 of 1987

In the matter of dispute between :

Shri Sunil Kumar Khanna C/o Shri Ram Singh, Asstt.
General Secretary, U.P. Bank Employees Union
C/o Dena Bank, Moradabad.

AND

The Dy. General Manager, Canara Bank, Marshal House,
Parliament Street, Hanuman Road, New Delhi.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. I-12012/338/86-D. II(A)(B), dt. 2-6-87, has referred the following dispute to this tribunal for Adjudication :

Whether the action of the management of the erstwhile Lakshmi Commercial Bank Limited in relation to their Moradabad Branch in terminating the services of Shri Sunil Kumar Khanna on 26-9-81 is justified? If not, to what relief is the workman concerned entitled from the transferee management of Canara Bank after amalgamation of the Lakshmi Commercial Bank Ltd. with Canara Bank vide Govt. Notification dt. 23-8-85.

2. The instant case was fixed on 20-12-88, for cross examination of the workman. On that date Sardar Amreek Singh authorised representative for the management submitted that the management has made the offer for permanent appointment to the workman to which the workman replied that since his authorised representative has not come so some time may be given to him to consider it completely. The case was ordered to come up on 29-12-88 for orders.

On 29-12-88, since I was on leave hence it came up before me on 31-1-89. On 31-1-89 parties to the dispute filed a settlement contents of which have been duly verified before me by workman concerned and Sardar Amreek Singh authorised representative for the management. Parties have also requested that the reference be answered in the terms of the settlement. The terms and conditions of the settlement is —

1. That the bank agrees to appoint Shri Sunil Kumar Khanna afresh as a permanent clerk at the Bottom of the scale from the date he joins the Bank. He shall not be entitled to be any back wages or any other claim whatsoever from the bank.
2. That the bank further agrees that his date of appointment shall be taken as from 1-8-88 for the purposes of reckoning of seniority for promotion/posting as Special Assistant for future application but he will not be entitled to any benefits/privileges/allowances w.e.f. 1-8-88 to the date of his joining.
3. That Shri Sunil Kumar Khanna, will report at Delhi Office for getting further instructions within one month from the date of this agreement/settlement.
4. That the parties shall bear their own costs.
5. That this fully and finally resolves the matter of dispute taken cognizance of in I.D. Case No. 55 of 1987.

Thus in view of the foregoing paras of the settlement dt. 31-1-89 filed by the parties in the instant case, the reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-12012/338/86-D. II(A)]

नई दिल्ली, 23 फरवरी, 1989

का. आ. 501:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लक्ष्मी कामशियल बैंक लि. (केनरा बैंक) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-89 को प्राप्त हुआ था।

New Delhi, the 23rd February, 1989

S.O. 501.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt., hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the Lakshmi Commercial Bank (Canara Bank) and their workmen, which was received by the Central Government on the 15-2-89.

ANNEXURE

BEFORE SHRI M. N. NAGRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I. D. 45/86

PARTIES :

Employers in relation to the management of Lakshmi Commercial Bank (Now Canara Bank).

AND

Their workmen.

APPEARANCES :

For the workmen : None

For the management : Shri Ashok Tagga.

INDUSTRY : Banking

STATE : Punjab

AWARD

Dated : 31st January, 1989

On a Industrial Dispute raised by certain clerks of Lakshmi Commercial Bank (Now Canara Bank) against promotion of Gajinder Singh Clerk as Junior Officer overlooking the claim of Bhim Sain and 17 others, Central Govt. has been pleased to make the following reference vide No. L-12012/74 85-D.IV(A), dated 12th June, 1986 to this Tribunal.

"Whether the action of the management of Lakshmi Commercial Bank Limited (Now Canara Bank) in promotion of Shri Gajinder Singh Clerk as Junior Officer overlooking the claim of the following clerks for promotion is just? If not, to what relief are the workmen entitled?"

1. S[Shri Bhim Sain Sharma
2. Romesh Vohra
3. S. C. Bhatia
4. Raman Malhotra
5. S. C. Dutta
6. Satinder Pal Vij
7. S. C. Sharma
8. K. K. Singla
9. S. K. Sardana
10. Balbir Singh
11. Tilak Raj Arora
12. Satish Kumar
13. Bodh Raj Sharma
14. Bhag Mal
15. Jagdish Uppal
16. Satish Jairath
17. P. S. Rana and
18. Vinod Kumari.

2. After respondent management had filed reply contesting the reference proceedings were fixed for evidence of the workman for today. None has put up appearance on behalf of the workman to pursue the matter. They were represented on the last date by Shri B. N. Sahgal. When the proceedings were of record from 4-1-1989 to today. Reference proceedings are therefore, filed for want of prosecution Central Government be informed accordingly.

Chandigarh : 31-1-89

M. S. NAGRA, Presiding Officer

[No. L-12012/74/85-D. IV(A)]

N. K. VERMA, Desk Officer

का. प्रा. 502—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुप्रीमटेंट सेंट्रल टेलीग्राफ आफिस, टेलीकॉम विभाग, पुणे के प्रबंधन में संबंधित नियोक्तों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-89 को प्राप्त हुआ था।

S.O. 502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Superintendent, Central Telegraph Office, D/o Telecommunication, Pune and their workmen, which was received by the Central Govt. on the 14-2-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-42 of 1987

PARTIES :

Employers in relation to the management of Superintendent, Central Telegraph Office, D/o Telecommunication, Pune.

AND

Their workmen.

APPEARANCES :

For the Management—Mr. B. M. Masurkar, Advocate.

For the Workmen—Mr. M. B. Anchan, Advocate.

STATE : Maharashtra INDUSTRY : Post and Telegraph
Bombay, the 2nd day of February, 1989

AWARD

The Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute for adjudication to this Tribunal.

"Whether the action of the Superintendent, Central Telegraph Office, Pune in dismissing Shri R. G. Jadhav, Telegraphman from service with effect from 25-1-1986 afternoon is legal and justified. If not to what relief the workman is entitled to?"

2. The workman Shri R. G. Jadhav, was working as a Telegraphman in the Central Telegraph Office Pune. He was dismissed from service w.e.f. 25-1-1986, for violating sub-rules (i) (ii) (iii) of rule (3) of Central Civil Services (Conduct) Rules of 1964.

3. The charges were sequel to an incident which took place on 27-10-1984. The Additional Superintendent, C.T.O. Pune, served a memo dated 12-11-1984 (Ex. M-9) in respect of the said incident and called upon the workmen to explain why action under-rule (14) of the C.C.S. (C.C.A.) Rules 1965, should not be initiated against him for his misbehaviour with the Supervisor on duty. The workman submitted his explanation (Ex. M-15) on 16-11-1984. The explanation however was not found satisfactory by the Superintendent, C.T.O. Pune, and hence he directed an enquiry against the workman and served a memorandum to that effect (Ex. M-17) dated 2-1-1985, which was as follows :—

"The undersigned proposes to hold an enquiry against Shri R. G. Jadhav, Telegraph-Man, Indoor C.T.O. Pune under Rule 14 of the Central Civil Services Classifications of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

Shri R. G. Jadhav, Telegraph-Man, Indoor, C.T.O. Pune, is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny each article of charge.

Shri R. G. Jadhav, Telegraph-Man, I/D. C.T.O. Pune, is further informed that if he does not submit his written statement of defence on or before the date specified in Para-2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with provisions of Rule

14 of the C.C.S. (C.C.A.) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.

Attention of Shri R. G. Jadhav, Telegraph-Man, 1/D, C.T.O. Pune is invited to Rule 20 of the Central Civil Services, (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from any other person in respect of any matter dealt with in these proceedings it will be presumed that Shri R. G. Jadhav, is aware of such a representation and that it will be made at his instance and action will be taken against him for violation of Rule 20 of the C.C.S. (Conduct) Rules, 1964.

The receipt of the Memorandum may be acknowledged."

4. As mentioned in the memorandum (Ex. M-16), a statement of articles of charge, a statement of the imputations of the misconduct, a list of documents by which, and a list of witnesses by whom, the articles of charge were proposed to be sustained were also enclosed with the said memorandum (As annexure I to IV). As the Memorandum and Annexures were in English the workman by letter dated 12-1-1985 (Ex. M-18), asked for the Marathi Translation on the ground that he did not understand the contents thereof. This request was granted and the Marathi renderings of the Memorandum and Annexures thereto were forwarded to the workman alongwith the letter dated 18-1-1985 (Collectively) marked as Ex. M-19). Thereafter, by an Order dated 12-4-1985, (Ex. M-24), Shri S. J. Mendigiri, Junior Engineer Lonavala, was appointed the enquiry authority to enquire into the charges levelled against the workman. The enquiry officer held a preliminary hearing on 29-5-1985, and commenced the regular hearing on 27-9-1985, on which date the evidence of six witnesses of the management was recorded and the documents on which the management wanted to rely were produced. Thereafter, as directed by the enquiry officer the presenting officer and the workman submitted their written submissions (which are styled as briefs) on 8-10-1985 and 26-11-1985 respectively. The enquiry officer recorded his findings on 30-12-1985, and forwarded them to the Superintendent, C.T.O. Pune, alongwith other record of the enquiry proceedings. On the basis of this record, the Superintendent, C.T.O., Pune the disciplinary authority passed the final order (Ex. M-52) dated 24-1-1986 dismissing the workman from service w.e.f. 25-1-1986.

5. In his statement of claim, the workman contended that the enquiry held against him was violative of principles of natural justice. According to him, on 27-9-1985, he was not in a position to attend the enquiry since his wife was ill and hence he applied for an adjournment on that ground but the enquiry officer rejected his application and continued the enquiry. He further contended that he was not given time to engage a defence counsel and on the very same day the enquiry officer recorded statements of the management's witnesses and completed the enquiry in a hurry. According to him, the witnesses were forced to depose against him. The enquiry officer did not obtain his signature on the depositions alleged to have been given by those witnesses. He further submitted that he has been victimised for his trade union activities. According to him, he was the Assistant Secretary of the National Federation of the Post and Telegraph Employees Union, Pune while the complainant Shri Joshi was the Office bearer of the rival union. Shri Joshi who was the Supervisor started harrasing him by issuing memor and the Superintendent issued a charge sheet on baseless charges on account of his trade union activities. He further contended that the enquiry officer was biased against him and his findings are perverse. The workman also contended that the enquiry officer did not gave him sufficient time to prepare for the enquiry and the enquiry was held while he was not in a proper frame of mind due to his wife's sickness. According to him, his statement was not recorded in the enquiry, nor the statements of the various

witnesses, which were recorded in English, were explained to him in Marathi nor his signature was obtained below the alleged statements. According to him, there was no legal evidence to come to the conclusion that he is guilty of the charges and the conclusion which is based on the evidence of the witnesses who were ordered to give evidence against him, was perverse. The workman further contended that for the alleged misconduct he was already warned by the Sr. Superintendent who is higher in rank than the Superintendent who ordered the enquiry against him and hence the enquiry instituted by the Superintendent after he was given the warning by the Sr. Superintendent was illegal and the punishment of dismissal amounts to double punishment for the same misconduct.

6. The Superintendent, Central Telegraph Office, Pune, described in details the conduct of the workman which led to the disciplinary action and also the steps taken before the enquiry was instituted. He maintained that principles of natural justice were observed during the enquiry, the workman was offered opportunity to nominate his defence representative to plead his case, to examine defence witnesses, if any, to give his own evidence and to file any documents relevant to the case. The Employer further averred that the so called request for adjournment alleged to have been made by the workman on 27-9-1985 is a false statement. There is nothing on the record of the enquiry to support this statement nor there is no any mention of that request in the daily order sheet dated 27-9-1985 and hence the question of refusal of the request did not arise at all. The employer denied the allegation that witnesses were compelled to depose against the workman and contended that it was not necessary to obtain the signatures of the workman on the depositions of the witnesses and further maintained that the fact that the workman was present during the enquiry, that he cross-examined the witnesses, and that he was furnished with copies of the depositions, was sufficient compliance with the principles of natural justice. Copy of the daily order sheet and copies of the statements of witnesses were supplied to the workman for information. The employer maintained that the allegation made by the workman in respect of the correctness of the depositions is an after thought. The employer denied that the workman was punished twice and maintained that the workman was not absolved of the charges in question by the Sr. Superintendent. The employer denied that the enquiry officer was biased and maintained that the findings of the enquiry officer were based on the documentary and oral evidence advanced during the course of the enquiry. The employer also maintained that the punishment of dismissal from service is quite proportionate to the gravity of the guilt established in the enquiry.

7. The record of the enquiry completely substantiates the contention of the workman that full and proper opportunity was not given to him to defend himself at the enquiry. It is an admitted position that the enquiry was scheduled to be commenced from 27-9-1985. The workman specifically averred that on that day he was not in a proper frame of mind as his wife was sick and hence he applied for adjournment but the enquiry officer refused the request and proceeded with the enquiry. As mentioned above the Superintendent, C.T.O., Pune, who filed the Written statement denied these averments and styled them as false. He even went to the length of asserting that there was no such request and hence question of refusal of the request did not arise at all. Not only that but the management initially refused to admit the document which the workman produced alongwith the list dated 15-4-1988, but when the advocate was confronted with the endorsement appearing on the said document purported to have been made by the enquiry officer he was constrained to admit that document also. The document which was marked as Ex. M-10, clearly shows that on 27-9-1985 the workman had applied for adjournment on the ground of sickness of his wife but the enquiry officer refused to oblige. Not only that but the enquiry officer returned the document which he should have taken on record, before proceeding with the enquiry. Not only he did not take the document on record but did not make any mention thereof in the daily order sheet. It was clearly an attempt to suppress evidence supporting the contention of the workman that even reasonable request for adjournment on the ground of wife's sickness was turned down by the enquiry officer. Moreover, the suppression

of the material fact enabled the Superintendent of the Central Telegraph Office, Pune, to come out with the specious plea that there was nothing on record to show that the workman had applied for an adjournment and hence the question of refusing to grant the request did not arise at all. There was absolutely no justification for refusing to grant the adjournment sought by the workman.

8. As rightly contended on behalf of the workman the enquiry officer appeared to be in a great hurry to complete the enquiry on the same day. He rejected the request for adjournment and recorded the evidence of all the six management witnesses. As a matter of fact, the previously recorded statements of all these witnesses were got tended through them and the workman who was not assisted by any co-workman or representative of the union, was asked to cross-examine the witnesses even though copies of those statements were not furnished to him before that date. It will be seen from the daily order sheet dated 27-9-1985, that the statements which were marked Ex. S-1 to Ex. S-6 by the enquiry officer were taken on record and copies thereof were given to the workman for information on that day. Shri Masurkar, the learned Advocate for the management tried to contend that copies of all these statements were furnished to the workman alongwith the memorandum dated 12-1-1985 and translations of those documents were given to the workman in Marathi language at his request on 16-5-1985. This assertion is contrary to the record and specific statements made in first paragraph of the Memorandum dated 12-1-1985 which is quoted above. What was supplied to the workman was the list of documents by which and the list of witnesses by whom the articles of charge were proposed to be proved and copies of the documents and copies of the previously recorded statements of the witnesses were not furnished to the workman alongwith the memorandum dated 12-1-1985. It will be seen from Ex. M-10 that Shri Jadhav, sought Marathi translation of the above mentioned memorandum and its Annexures and the letter (Ex. M-19) with which the Superintendent forwarded the translations to the workman shows that the workman was furnished with translations in Marathi of the memorandum dated 12-1-1985 and Annexures thereto. Furnishing copies of the previously recorded depositions of the management witnesses at the commencement of the enquiry would not have ordinarily offended against the principles of natural justice, if the cross-examination of those witnesses would have been deferred for some reasonable time to enable the workman to prepare for the cross-examination. As mentioned above, the workman had already sought adjournment on account of sickness of his wife and the enquiry officer had turned it down. It will also be seen from the cross examination which the workman was forced to carry out that he was completely unable to carry out that task. The recording of evidence of all the management witnesses in the aforesaid manner therefore amounted to denial of proper opportunity to the workman. This circumstances alongwith the unjustified refusal to grant the reasonable request for adjournment clearly vitiated the enquiry.

9. The action of the enquiry officer in rejecting the request for adjournment, refusing to place the application on record, not making any mention of the application in the daily order sheet and rushing through the enquiry clearly indicated bias on his part against the workman, who as claimed by him a claim which is not denied was the Assistant Secretary of the National Federation of the P & T Employees' Union, Pune. What is more significant is that the management has not chosen to deny the specific averment in the statement of claim that Shri Joshi on whose complaint the enquiry was commenced, was the office bearer of the rival union who had harassed the workman by issuing false memos. The specific averments in this behalf made by the workman are not irrelevant as contended by the management. They are relevant for the purpose of ascertaining whether the workman was a victim of union rivalry.

10. The management has not prayed for liberty to lead evidence before this tribunal to prove the charge levelled against the workman. There is no averment to that effect in the written statement. The question of giving an opportunity to the management to prove the misconduct before this Tribunal, therefore, does not arise. The result of the finding that the enquiry was vitiated is that the order of dismissal must be set aside.

11. The punishment inflicted on the workman is also unduly harsh and dis-proportionate to the alleged misconduct which is described in the memorandum of allegations is the following words :

"On 27-10-1984, Shri R.G. Jadhav, attended his duties (20-2) signed in the attendance register and deserted the office. Thereafter.

He reported back for duty at 2100 hrs. and when the section supervisor on duty Shri S. D. Joshi, questioned him about the desertion, Shri R. G. Jadhav, argued with him and the Additional Superintendent on duty to mark him late. However, the Additional Superintendent allowed Shri R. G. Jadhav to perform 22 to 4 duty.

Further at about 2300 hours, the section supervisor on duty told him to work on LSR point which he refused. Hence Jadhav, but instead of accepting the memo Shri R. G. Jadhav, started arguing with the section supervisor. As a result there was no work at all done by him. The section supervisor contacted the Additional Superintendent, at his residence on telephone and reported the facts, the Section Supervisor was advised to issue memo and insist upon its acceptance by Shri R. G. Jadhav. Accordingly by Shri R. G. Jadhav was asked to accept the X/memo which he flatly refused. On the other hand he attempted to attack the section Supervisor with a chair, S/Shri B. S. Pisal, D.B. Bhosale, U.H. Sonavane and P.G. Ambegaonkar who were present on the spot, witnessed the incident. The T. M. on duty heard this notice and rushed to the spot and enquired about the happenings. On knowing the facts the T.M. on duty Shri Borse M.F. tried to persuade Shri R.G. Jadhav, to obey the order of the Section Supervisor. Shri R. G. Jadhav also accepted that he misbehaved with the Section Supervisor Shri S. D. Joshi, explanation offered by Shri R. G. Jadhav, to this office No. X. Memo/RGJ, dated 14-11-1984, is unsatisfactory

Shri R. G. Jadhav, thus showed lack of devotion to duty and misbehaved with the Section Supervisor on duty. He is therefore, charged for violation of Rule 3(i)(ii) and (iii) of CCS, conduct Rules, 1964."

In substance the misconduct was that the workman refused to do the work which was assigned to him, even refused to accept the memo and attempted to attack the Supervisor by means of a Chair. Admittedly the Supervisor was not attacked. There is no allegation that persons present interfered and foiled attempt. On the fact of it the attempt was just a gesture. There is nothing on record to show that the workman's previous record is bad. There is no whisper either in the dismissal order or in the written statement about it. The punishment therefore was unduly harsh and under the circumstances mentioned above smacks of victimisation.

12. In the result therefore the order dismissing the workman from service is set aside and the First party is directed to reinstate Shri R. G. Jadhav, in service forthwith and to pay him full back wages from the date of dismissal till he is actually reinstated. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-40012/24/86-D. II (B)]

का. प्र. 503.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार कैबिनेट बोर्ड औद्योगिक के प्रबंधन के संबंध निषेधकों और उनके कार्रवारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न. 2, बम्बई पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-89 को प्राप्त हुआ था।

S.O. 503.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cantonment Board, Deolali and their workmen, which was received by the Central Government on the 14-2-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/14 of 1987

PARTIES :

Employers in relation to the management of Cantonment
Board, Deolali,

AND

Their Workmen.

APPEARANCES :

For the employers—Shri S. B. Keluskar, Advocate.

For the workmen—Shri G. D. Samant, Advocate.

INDUSTRY : Cantonment Boards STATE : Maharashtra
Bombay, the 7th February, 1989

AWARD

The Central Government by their Order No. L-13011/2/85-D.11 (B) dated 18-2-1987 have referred the following industrial dispute for adjudication to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the action of the management of Cantonment Board, Deolali in terminating the services of 13 workmen (Annexure-I), and in not regularising the services of 25 workmen (Annexure-II) (worked for 7 years) is justified? If not, to what relief the concerned workmen are entitled?"

ANNEXURE-I

1. Gesatabai Laxman Shinde,
2. Tulsibai Ramniwas
3. Latif Moose Shiekh
4. Fatmabai Mohammad Hussain
5. Arjun N. Barve
6. Bharat N. Bhalerao
7. Sitaram S. Gaikwad
8. Janibai Rama
9. Rohidas K. Shendge
10. Rohidas K. Ahire
11. Patric Anthony
12. Shantaram R. Shelar
13. S. V. Bhalerao.

ANNEXURE-II

S.No.	Name	Period
1	2	3
1.	Sheela Sukhdeo Thanent	15-4-78 to 20-2-1984
2.	Kalawati ukaram Sarode	8-4-79 to 8-10-82
3.	Sonubai Laxman Shinde	3-1-81 to 27-8-83
4.	Kamla Laxman Sonawane	15-1-81 to 11-4-84
5.	Kamla Kashinath Kale	25-9-78 to 20-1-84
6.	Prakash S. Pagore.	21-4-82 to 9-9-83
7.	Anjali Shankar Galoli	15-1-81 to 7-8-83
8.	Sulochana A. Waghchours	8-6-83 to 14-8-81
9.	Arjun D. Sarode	13-5-78 to 31-3-84
10.	Kishor B. Salve	17-8-82 to 30-6-83
11.	Ayub Khan Yusuf	1-12-77 to 26-5-83
12.	Rukhmanibai S. Chodke	7-5-78 to 11-11-78
	Subhash Hari Salve	21-7-81 to 16-9-82

—	2	3
14.	Housabai Hari Bhasker	20-3-81 to 28-9-83
15.	Valsela S. Dhangale	10-12-82 to 30-5-84
16.	Vonubhai K. Pagare	18-1-83 to 7-9-83
17.	Sushila Silrat Ghodpade	15-10-80 to 17-2-83
18.	Indabai D. Pagare	14-2-81 to 8-8-82
19.	Kusum V. Pagare	9-7-82 to 8-8-82
20.	Sheela B. Ahire	9-12-80 to 25-9-83
21.	Madhukar W. Borade	13-5-81 to 25-1-84
22.	Shashikant G. Bhawar	20-7-77 to 21-1-84
23.	Suman P. Pawar	9-9-81 to 8-8-83
24.	Smt. Gangooabai Hari Sonawane	12-1-77 to 9-3-84
25.	Shakubai Tukaram Sarkale	15-6-83 to 19-7-83"

2. The case of the workmen in question as disclosed from the statement of claim (Ex. 3(W)), in short is thus :—

The workmen in question consist of two categories. The first category consists of 13 workmen. Their names and period of service are mentioned in Annexure 'A' annexed to the statement of claim. The other category consists of 25 workmen. Their names and details of period of service are mentioned in the Annexure 'B' annexed to the statement of claim. All these 38 workmen were working for different periods ranging between 6 and 10 years under the Cantonment Board, Deolali. All these workmen had completed 240 days of service in a year, and had fulfilled the provisions of Section 25-F of the Industrial Disputes Act. However, the management had failed to comply with the provisions of that Section. The management terminated the services of these 38 workmen. They had repeatedly represented their case for regularisation of their service, and for appointing them on permanent basis. An industrial dispute was raised by the workmen before the Assistant Labour Commissioner (C) and Conciliation Officer Bombay. The Conciliation Officer directed the management to reinstate the 13 workmen immediately in service and not later than 31-1-1985, and also to regularise the services of the 25 workmen. The management, however, failed and neglected to comply with the directions given by the Conciliation Officer. The other workmen who are junior to the said 38 workmen are still in the service of the Cantonment Board and some more persons have been appointed during the pendency of this reference. The Assistant Labour Commissioner (C) submitted his failure report to the Government. Hence, the Government made the reference as above to this Tribunal. The management has failed to comply with the provisions of Section 25-FFF of the said Act. The workmen, therefore, prayed that the management of Cantonment Board be directed to reinstate the 13 workmen mentioned in Annexure-I with full back wages with continuity of service, and also to regularise the services of 25 workmen listed in Annexure-II.

3. The management of Cantonment Board, Deolali, by their written statement (Ex. 2(M)) contested the claim of the workmen, and in short contended thus :—

Provisions of Sections 25-B, 25-H and 25-F of the Industrial Disputes Act, 1947 in relation to Rules 5B-1 of the Cantonment Board Servant's Fund Rules, 1937 do not apply to the cases of the said 38 employees. Though these employees were purely temporarily appointed as Badli/Casual workers under Rule 9 of the said Rules, at the time of their appointment they were made known specifically the terms and conditions of their employment by the Cantonment Board. The Cantonment Board have not dismissed, removed

or terminated the service of the said 38 workmen with a view to see that they never become the permanent servants. The appointments of workmen of substantial and permanent nature of service of the Cantonment Board are made through the Employment Exchange. However, the said workmen did not approach the Board through the Employment Exchange, but they were appointed by the Board under the said Rules. Temporarily whenever there arose leave vacancy among the Class IV servants of the Board or due to seasonal demand of the extra work load or in case of absenteeism of Class IV servants. The Cantonment has not committed any illegal things or breach of law and that no industrial dispute as contemplated in the Industrial Disputes Act existed between the Cantonment Board and the workmen. The Cantonment Board lastly contended that the workmen are not entitled to reinstatement in service or for any other relief, and prayed for the dismissal of their claim.

4. Issues framed on the above pleadings at Ex. 4 are :—

1. Whether the management of the Cantonment Board, Deolali, has failed to comply with the provisions of Section 25-F of the Industrial Disputes Act, in relation to the workmen in question ?
 2. Whether the said Board has further failed to comply with the provisions of Section 25-FFF in relation to those workmen ?
 3. Whether the service conditions of the workmen in question fall outside the scope of the provisions contained in Sections 25-B, 25-H and 25-F of the Industrial Disputes Act ?
 4. Whether no industrial dispute, as contemplated under the Industrial Disputes Act, existed or exists between the said workmen and the management ?
 5. Whether the action of the management of Cantonment Board, Deolali, in terminating the services of 13 workmen, and in not regularising the services of 25 workmen (worked for 7 years) is justified ?
 6. If not, to what relief the concerned workmen are entitled ?
 7. What Award ?
5. My findings on the said Issues are :—
1. Yes
 2. Does not arise.
 3. No
 4. Industrial Dispute existed.
 5. Not justified as far as 15 workmen are concerned.
 6. As per award.
 7. As per order.

RBASONS

6. In this case one Shri Latif Musa Sheikh, one of the workmen in question filed his affidavit (Ex. 5/W) in support of the case of the workmen, and he was cross-examined on behalf of the management. Shri Afzal I. Khan, Accountant working in the Cantonment Board Deolali, management also filed his affidavit (Ex. 7/M) in support of the contentions raised by the management in this case. He was also cross-examined on behalf of the workmen. Exhibits 13/M, 14/M and 15/M are the original appointment orders issued by the Cantonment Board which show that the different workmen were appointed for a particular period i.e. for about 30 to 60 days in the leave vacancy of some other employees. It is further mentioned in the case of many employees that their services would be terminated at any time without notice and without assigning any reason. Ex. 9/M are the appointment orders of 13 workmen in question whose names have been mentioned in annexure-A of the Statement of claim. Ex.

16/M are the zerox copies of the appointment orders of certain 18 other employees who were appointed temporarily on temporary basis for a certain period.

Issue No. 4

7. It is contended by the management in its written statement that no industrial dispute, as contemplated under the Industrial Disputes Act, exists or existed between the workmen in question and the management. Section 2(k) of the said Act defines the term 'industrial dispute' as any dispute or difference between employers and the workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. In the present case, the dispute between the workmen and the management is as regards their non-employment after the termination of their services and also non-payment of amounts of retrenchment compensation, one month's notice pay etc. to them. Therefore, an industrial dispute as contemplated under the said Act, did exist between the workmen and the management in question. Issue No. 4 is found accordingly.

Issue No. 3

8. It is contended on behalf of the management that the service conditions of the workmen in question do not fall within the provisions of Sections 25-B, 25-H and 25-F of the Industrial Disputes Act. I find that this contention of the management also cannot be upheld in law and on question of facts. Under Section 25-F of the said Act, no workman employed in any industry who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer until he has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice and further the workman has been paid, at the time of retrenchment, compensation equivalent to fifteen days' average pay for every completed year of continuous service. The term 'continuous service' has been defined under Section 25-B of the said Act. Under Section 25-B, a workman shall be deemed to be in continuous service for a period of one year, if he has for that purpose in uninterrupted service. Under clause (2) of Section 25-B, the workman shall be deemed to be in continuous service for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than 240 days. According to the workmen in question they have in fact worked for more than 240 days during the period of 12 calendar months, and such, they were in continuous service for a period of 12 months. Under Section 25-H of the said Act, where any workmen are retrenched, and the employer proposes to take into his employment any persons, he shall give an opportunity to the retrenched workmen who offer themselves for re-employment and such workmen shall have preference over the other persons.

9. The main contention of the management is that the services of the workmen in question are not retrenched within the meaning of the term 'retrenchment' under the provisions of the Industrial Disputes Act. According to the management, these workmen were appointed purely on temporary basis in the leave vacancies of some other workmen, and that they were appointed purely on contractual basis and that they were made known about the said conditions of their service when they were appointed from time to time. The term retrenchment has been defined under Section 2(oo) of the Industrial Disputes Act. As per this definition, 'retrenchment' means termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. In the present case, the services of the workmen in question have not been terminated by way of disciplinary action. As per clause (bb) of Section 2(oo), the termination of the service of the workman as a result of non-renewal of the contract of the employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein, is not to be included in the term 'retrenchment'. According to the management, the workmen in question were every time appointed on contractual basis, and as such, the termination of

their service did not fall within the term of retrenchment. It may be noted that the said clause (bb) has been inserted in the Industrial Disputes Act for the first time by the amending Act 49 of 1984, which came into force with effect from 18-8-1984. Therefore, in case the workmen are appointed on contractual basis for the first time after August 1984 their termination will not fall within the definition of the term 'retrenchment'. However, the workmen in question, were employed from time to time prior to 1984. Therefore, even if they were appointed on contractual basis, and their services were terminated by the end of a particular period, still the termination of their service falls within the term 'retrenchment' as defined under Section 2(oo) of the Industrial Disputes Act. The Supreme Court has held in the case between Hindustan Steel Limited and State of Orissa and others reported in 1977 (1) LLJ Page 1, that even though the termination of service was by efflux of time, it did fall within the definition of the term 'retrenchment'.

10. In the present case, the workmen have claimed retrenchment compensation, and also one month's pay in lieu of notice. According to them, they were in service for 240 days or more during the period of 12 calendar months, and as such, were in continuous service and were entitled to preference for reinstatement in service after termination of their service by the management. Therefore, the service conditions of the workmen in question do fall within the provisions of Sections 25-B, 25-H and 25-F of the Act, and they are not outside the scope of the provisions of those Sections as contended by the management. Finding on Issue No. 3 is, therefore, in the negative.

Issue No. 1

11. According to the workmen, the management of Cantonment Board Deolali failed to comply with the provisions of Section 25-F of the Industrial Disputes Act. I find that they have failed to comply with the provisions of that Section. It is true that the workmen in question were appointed from time to time for a period ranging from 30 days to 60 days, and after the lapse of some days they were again appointed for some more days. Therefore, according to the management, they were not in continuous service, and as such, are not entitled to any retrenchment compensation etc. According to the management, the workmen in question were appointed under the Cantonment Fund servants Rules and the service rules of the Cantonment Board, and as per these rules, their names were not sponsored by the Employment Exchange and that they were over-aged at the time of their initial appointment, and hence they were appointed purely on temporary basis. Now, the provisions of Industrial Disputes Act passed by the Parliament of India certainly will prevail over the Cantonment Fund Servants Rules of the Opposite party. Therefore, even if they might have been appointed purely on temporary basis, and even if they were aged above 25 years at the time of initial appointment, in case they had worked for 240 days during the period of 12 calendar months, they would be entitled to retrenchment compensation, as contemplated under Section 25-F of the Act.

12. The reference in question has been made regarding certain 13 workmen mentioned in Annexure-I of the reference order whose services have been terminated by the Cantonment Board, Deolali, and as regards the other 25 workmen mentioned in Annexure-II whose services have not been regularised by the Cantonment Board. According to the learned Advocate for the workmen, out of these 38 workmen, certain 15 workmen have completed 240 days of service during the period of 12 calendar months under the management of the Cantonment Board. He has mentioned the names of those 15 workmen in his written arguments filed before

this Tribunal. The names of those workmen and their service periods are thus :—

Name	Sr. No. Ex. 2/M	Period	days
1. Geetabai Laxman Shinde	1	7-8-1980 to 18-7-1981 10-10-1980 to 13-9-1981	265 275
2. Tulsi Bai Ramniwas	2	9-10-1980 to 30-9-1981	251
3. Latif Moosa Vahicle cleaner.	3	6-8-1980 to 30-9-1981 18-8-1981 to 31-7-1982 27-12-1981 to 30-11-82	269 251 240
4. Fatmabai Mohd. Hussain	4	10-12-79 to 30-11-80 1-2-1980 to 31-1-1981	244 268
5. Aijun N. Barve	5	13-1-1982 to 7-12-1982	270
6. Bharat N. Bhalrao	6	17-7-1982 to 8-7-1983 26-10-1982 to 10-10-83 8-1-83 to 31-12-1983	309 300 253
7. Sitaram S. Gaikwad	7	20-9-77 to 30-8-78 5-1-78 to 30-12-78 12-4-83 to 30-3-84	246 298 247
8. Janabai Rama	8	21-9-77 to 21-8-78	315
9. Rohidas V. Shandge	9	16-4-81 to 31-3-82	247
10. Rohidas H. Ahire	10	9-10-80 to 30-9-81 18-6-81 to 17-6-82 11-11-82 to 10-11-83	241 300
11. Patric Anthony	11	21-5-81 to 20-5-82 10-8-82 to 9-8-83	356 309
12. S.V. Bhalrao	12	29-9-81 to 11-9-82 1-2-82 to 6-1-83	282 249
13. Kishor B. Salve	23	17-8-1982 to 30-7-83	240
14. Ayub Khan	24	21-5-81 to 30-4-82 10-8-82 to 30-7-83	356 309
15. Sheela B. Arya	33	9-5-83 to 22-4-84	240

According to him he has worked out these periods from the original wages record, as above, produced by the management. I also find that the above said 15 workmen had completed 240 days service within a period of 12 calendar months, and as such, they were in continuous service. As the said 15 workmen were retrenched within the meaning of the term 'retrenchment' from the service by the management, and as they were in continuous service for a period of one year within the meaning of the term 'continuous service' as defined under Section 25H, they will be entitled to retrenchment compensation as well as wages in lieu of the notice period. Admittedly no retrenchment compensation as well as wages in lieu of the notice, have been paid to the said workmen. Therefore, the management of the Cantonment Board, Deolali, has failed to comply with the provisions of Section 25-F of the Industrial Disputes Act in relation to the said 15 workmen. Issue No. 1 is found in the affirmative.

ISSUE NO. 2

13. According to the workmen, the management has failed to comply with the provisions of Section 25FFF of the Industrial Disputes Act. Under Section 25FFF of the Act, the workmen are to be paid the necessary compensation etc. in case the undertaking is closed down. In the present case, the undertaking has not been closed down, and as such, the workmen are not entitled to the compensation on that count as contemplated under Section 25FFF of that Act. Issue No. 2 is, therefore, found in the negative.

ISSUES NOS. 5 and 6

14. For the above said reasons, the action of the management of the Cantonment Board, Deolali, in terminating the services of the above said 15 workmen mentioned in para 12 above, without paying them the retrenchment compensation and wages in lieu of notice, was not just and proper. Issue No. 5, is, therefore, found in the negative. Therefore, the above said 15 workmen are entitled to the retrenchment compensation and wages in lieu of the notice period. As the said 15 workmen were retrenched from service, and were not dismissed or discharged from service, they are not entitled to reinstatement in service as contemplated under Section 11-A of the Industrial Disputes Act. Issue No. 6 is, therefore, found as per the Award below :—

ISSUE NO. 7

15. In the result, the following award is passed.

AWARD

1. The action of the management of Cantonment Board, Deolali, in terminating the services of 15 workmen mentioned in para 12 of the Award, without paying retrenchment compensation and the wages in lieu of notice period, is not just and proper.
2. The management is directed to pay them the necessary retrenchment compensation and the wages in lieu of notice period as per provisions of Section 25F of the Act in respect of every continuous period of 12 months, within three months.
3. While appointing the employees on temporary basis, the management shall give preference to the said 15 workmen in case they offer themselves for the work. Except the said 15 workmen, the other workmen are not entitled to any relief.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

Dt. : 7-2-1989

[No. L-13011/2/85-D. II (B)]

नई दिल्ली, 1 मार्च, 1989

का. प्रा. 504.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऐक्जीक्यूटिव

मार्किंगर, कैंटोनमेंट बोर्ड, जापधर में प्रबंधन के सदस्य नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 फरवरी, 1989 को प्राप्त हुआ था।

New Delhi, the 1st March, 1989

S. O. 504.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Executive Officer Cantt. Board Jullundur and their workmen which was received by the Central Government on the 17th February, 1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 25/88.

PARTIES :

Employers in relation to the management of Cantonment Board, Jalandhar.

AND

Their workman : Panna Lal.

APPEARANCES :

For the workman : None.

For the management : None.

AWARD

Dated : 1-2-1989

On a dispute raised by workman Panna Lal against the promotion of Shri Banwari Lal of Cantonment Board Jalandhar, Central Government has been pleased to make the following reference vide No. L-13012/2/86-D. II(B), dated 9-5-1988 to this Tribunal :—

"Whether the action of the Cantt. Executive Officer of Cantt. Board Jullundur Cantt. in promoting Shri Banwari Lal, Sweeper, to the post of Sanitary Jamaadar in preference to Shri Panna Lal Sweeper is the Cantt. Board Jullundur is justified? If not, to what relief Shri Panna Lal is entitled?"

2. Notice of the proceedings was issued to the parties. Panna Lal workman has informed this Tribunal in writing that his claim has been satisfied in as much as he is promoted as Sanitary Jamaadar. Proceedings be filed as satisfied. Central Government be informed accordingly.

Chandigarh : 1-2-1989.

M. S. NAGRA, Presiding Officer,

[No. L-13012/2/86-D. II (B)]

HARI SINGH, Desk Officer.

